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A EUROPEAN CONGRESS.

THE proposal of a Congress, which appears in so many French papers and pamphlets, is as gratifying as the lawyer's letter which announces an unprovoked Chancery suit. The suggestion that a quarrel which was not known to exist may possibly be adjusted without proceeding to extremities, might provoke an irritable temper into a defiance of the aggressor to do his worst. While all the arsenals of France are ringing with sounds of preparation, the pretext for a rupture seems to be constantly shifting, nor is it even certain where the blow will fall. The calculated insolence of the address to Baron HÜBNER was understood to menace an attack in Italy, but the organs of the French Government have since been instructed to rake up the embers of the endless Turkish controversy. It seems that there has been bribery at Jassy, or intimidation at Bucharest; and the Austrian demonstration on the Save, if it had taken effect, might have threatened the independence of the Servian Assembly. The diplomatists of Europe are therefore invited to meet, that the Imperial mind may no longer be shocked by violations of constitutional freedom in the Principalities, the Legations, or any other foreign province. The preliminary demand of a litigious plaintiff for an equitable adjustment of alleged differences may be intended either to facilitate the immediate attainment of his object, or to furnish a pretext, if the offer is rejected, for ulterior measures of oppression. In either case, a kind of advantage is secured by a negotiation, which seems to imply that there is something to negotiate about.

The precedents which are quoted in support of the scheme of a General Congress are either inapplicable or discouraging. Assemblies of the kind have, in almost all instances, been held for the purpose of coercing or setting aside one of the Great Powers who assumed the collective police of Europe; and at present England and Prussia will assuredly not be prepared to join any coalition against the security of Austria. At Vienna, the victorious allies were engaged in settling among themselves the terms which were to be imposed on France; and some years later, at Aix-la-Chapelle, the Duke of RICHELIEU was still soliciting from the assembled sovereigns the withdrawal of the army of occupation. The Congress of Verona was engaged in overruling the opposition of England to the policy of the Holy Alliance, and its result consisted in the despatch across the Pyrenees of the army which CHATEAUBRIAND directed and which the Duke of ANGOULEME commanded. Minor Conferences of the same kind were held at Toplitz and elsewhere, when the absolute sovereigns of Northern and Eastern Europe thought it expedient to counteract the measures of England and of constitutional France. No instance can be quoted in which the five Great Powers met by solemn appointment for the purpose of consulting harmoniously on the means of promoting a common policy. For such purposes the representatives of the different Governments at any capital of Europe may be instructed to enter into communication, without pomp or notoriety. A Congress implies a resistance which can only be overcome by the use of some extraordinary machinery.

At Paris, after the conclusion of the armistice with Russia, the plenipotentiaries of the neutral Powers undertook to join the successful belligerents in negotiating the terms of submission on the part of the CZAR; and it soon appeared that, while Austria was in earnest, France had virtually changed sides for the purpose of laying the foundation of a separate coalition with her recent antagonist. The arrangements which were made under these conflicting influences were in many respects unsatisfactory, but still they were in the nature of contrivances for the settlement of disputed questions. The firmness of the English Government afterwards defeated some of the intrigues by which French diplomacy attempted to relieve

Russia from the stipulations of the treaty, and although many difficulties still remain, it cannot be said that the condition of Europe has in any respect been rendered more insecure by the decisions of 1856. The proposed Congress, on the other hand, is asked to unsettle territorial relations, to reopen the treaties of Vienna, and to enact, or rather to assume, a novel code of international law. The professed advocates of the project affect to insist on the legal rights already secured to the dependencies of Turkey, while they demand an exceptional intervention in favour of certain Italian provinces. It is evident that no act of supreme legislation can be necessary for the maintenance of existing charters, and it is absurd to suppose that any Great Power will accept the decision of foreign Governments on matters relating to the continuance of its own territorial sovereignty. A vote given by France and Russia for the detachment of Lombardy from the Austrian Empire would be an act of useless diplomatic impertinence, only tending to envenom the character of the war which must necessarily follow. It is indeed difficult to suppose that the master of Poland would gratuitously establish the precedent of interference in behalf of subject nationalities, but the agitation which is at present officially encouraged in France can scarcely tend to any more plausible result.

The impudence of the loyal pamphleteers is worthy rather of American filibusters than of publicists accustomed to that equality of strength and similarity in civilization which have created for Europe a system of public law. One amateur diplomatist has discovered in the practice of railway expropriation an analogy for the forcible removal of Austria from Italy, *moyennant finance*. If private property may be taken by legal authority for purposes of public utility, why should not an enlightened Congress give a notice, under the international "Lands Clauses Act," for the acquisition of Lombardy by the King of Sardinia, or, perhaps, by one of his connexions? The analogy would be perhaps still more perfect, if a precedent existed for the compulsory transfer of land from a private owner to his needy or covetous neighbour; but the principal objection to the process consists in the ultimate necessity of carrying out the ejection by force. If war must come at last, England might perhaps prefer to dispense with the superfluous establishment of a principle which would soon be found applicable to the Channel Islands, or to Ireland itself. A Congress to consider the claims of the Phoenix Club might think fit to expropriate the usurping descendants of Henry II.; and even in the case of Lombardy, the provision for compensation seems to be rather indefinite.

Another writer, appealing more directly to what French sophists call the logical instincts of the nation, oracularly announces that France is *le soldat de Dieu*—a phrase which seems borrowed from ATTILA's famous title of *the Scourge of God*. There seems to be an inveterate belief in the popular mind, that the armies which overran the Continent under NAPOLEON left behind them, in the countries which they conquered, some invaluable doctrine in exchange for the by no means valueless commodities which they took away with them, or consumed on the spot. Whether Germany ever received ideas worth the two or three hundred millions sterling which were extorted by NAPOLEON and his Marshals, is a question which, in the absence of a recognised standard of comparative value, it would be difficult to answer. Englishmen are afflicted with an obstinate incapacity for discovering in the Imperial crusades any theory except the familiar doctrine, "that they should take who have the power, and they should keep who can." Under the Restoration, the mission of the French soldier consisted in the abolition of the Spanish Constitution, and in the subsequent resumption of absolute power by the excellent FERDINAND. But ALEXANDER, who talked over MONTMORENCY and CHATEAUBRIAND

at Verona, may claim some share in the honourable achievement; and Austria, which had three years before, under precisely similar circumstances, restored another FERDINAND to the throne of Naples, may be thought to have earned a share in the honour of executing the decrees of Providence. Once more, in 1849, the divine mission was carried out by the bombardment of Rome, the suppression of the Republic, and the restoration of the POPE to the power which he still exercises under the protection of a French garrison. It is strange that the same authority should be quoted in support of a project of making war on Austria for sharing with equal right the same sacred protectorate. At a time when the *soldat de Dieu* was acting in concert with the Holy Alliance, and while the Most Christian King still reigned by right divine, BÉRANGER enumerated with indignant accuracy the various claimants to the divine sanction for the exercise of their various powers, and his *réfrain* furnishes the best criticism on the pretensions of the present disturber of Europe to make a similar appeal:—

Si c'est de par moi qu'ils regnent de la sorte,
Je veux, dit le bon Dieu, que le diable m'emporte.

The only securities for the peace of the world consist in the strength of independent Powers, and in the just dislike of the French people to taxation and to the conscription. The large force which Austria possesses in Italy will make the aggressor hesitate if he is serious in his ostensible purpose, and it may be hoped that a Channel fleet will soon be a conclusive argument against any more treacherous design. It is difficult to explain the capricious folly which has sacrificed the results of years of effort to be admitted into the legitimate family of kings. The would-be conqueror sinks back into the military usurper, and reminds Europe that his dynasty is incompatible with peace, as he has already proved to France that it was necessarily fatal to freedom. There is no danger, under present circumstances, that the Great Powers will consent to a Congress which could only serve as an excuse or a preparation for war. The task of diplomacy is happily not exhausted, but all necessary communications will result in the warning that the author of wanton hostilities will probably be the victim of his own lawless ambition.

THE PARISH AND THE EMPIRE.

"I AM told," said Mr. BRIGHT in one of his recent speeches, "that with regard to Poor-law unions, there is a mode of voting by which men give votes somewhat in proportion to their property in the parish. One man may give one vote, and another perhaps six. . . . The defence and justification of this plan are this—that as the question is a question of expenditure in the immediate locality—the making of roads in some cases, and a variety of objects requiring to be attended to by our various local governments—it might possibly end in throwing an enormous inequality of expenditure and taxation on a particular firm or a few individuals in a particular parish or district." We take this passage to be altogether one of the most remarkable and instructive confessions that ever fell from the mouth of a gentleman who does not exactly understand what he is talking about. These unconscious admissions of shallow reasoners, when off their guard, are valuable on account of their unintentional sincerity. Mr. BRIGHT is like a bad chess-player, who, in his anxiety to save a pawn, sacrifices his queen. Whilst he is thinking only of parrying the blow aimed at his rating franchise, he does in fact cut from beneath his feet the whole platform of democracy.

It is impossible to repress a smile at the *naïveté* of the "I am told" with which this stray bit of truth and good sense is introduced. It is singular enough that the great Reformer of the Constitution should require to be told what is the mode of voting under the institutions which he has deliberately announced as the models on which he has framed his own scheme. However, for once we don't quarrel with Mr. BRIGHT's pattern—still less with the principles on which he defends its characteristic feature. We are disposed to agree with him in his high estimate of the merits of the system on which our local government is based. We do not in the least dispute his assertion that it is a system "which has been proved by experience to be consistent with law, order, and the security of property—which no one has condemned, and with which everybody is contented." We fully admit the value of the analogy on which he has so forcibly insisted, between the principles and practice which are found expedient in local administration and those which

are politic in our Imperial Government. In order that we may meet Mr. BRIGHT on the terms most favourable to himself, we accept the diplomatic basis which he offers. We will encounter him on the battle-field he has chosen. We wish to leave him no pretext for whining about the unfairness with which he is treated—a complaint which his own eminent candour of course entitles to the most respectful consideration. We take up the gage he has flung down.

Your local government, says Mr. BRIGHT, is the best precedent you can take for your Parliamentary institutions—the franchise of the vestry ought to be the model for the suffrage of the electoral body. Very well, we shall not dispute the proposition. We, too, are content to argue from the Parish to the Empire. But if this discussion is to be conducted to any purpose, it must be by bringing a little more information to bear on the subject than our sagacious Reformer has been at the pains to collect. We must first go through the process, with which he has thought fit wholly to dispense, of learning what the constitution of our local government really is. We cannot agree to argue from an imaginary Parish to a hypothetical Empire. Mr. BRIGHT, it is true, from the moment that he began to have an inkling of the real nature of the institutions on which he had passed so lofty, and, we believe, well-merited an encomium, has exhibited symptoms of a strong desire to be off his bargain. We have heard very little praise of the parochial franchise lately from the platform. We confess that Mr. BRIGHT's abandonment of his pet bantling seems to us both heartless and unjust. We must try if we cannot rear for him the favourite which he has disowned. We had begun, indeed, to tremble for our local institutions when we heard for the first time that they had found favour in the eyes of the Birmingham agitator. As we happened to have rather a partiality for them ourselves, we wondered what they could have done to deserve such a fate. We suspected from the outset that they were indebted for this suspicious patronage rather to Mr. BRIGHT's ignorance than to their own intrinsic merits; but it was not till it was clearly established that he knew nothing about them that we felt wholly reassured as to their soundness. If they had been reconcilable with his ideas, they must have been inconsistent with the English constitution. It is satisfactory to feel quite sure that he has seen as little of the one as of the other.

For our part, we believe that there is a great deal to be learnt from the principles and the working of our local government by those who have no party ends to serve, and no class animosities to gratify. Let us try, then, to seize a general view of a subject on which experience—a teacher far more trustworthy than theorists and demagogues—offers us the most valuable lessons. The Parish is, in truth, a microcosm of the Empire. It is a moon which, while it has its own orbit, travels in the same path as the planet on which it attends. The Parish is the real basis of all that local popular government which has hitherto defended England against the seductive mischiefs of centralization. In the discussions which have been recently raised on the subject of the parochial franchise, some writers, not much more accurately informed than Mr. BRIGHT, have thought fit to recur to the old scot and lot voting which at one time was the rule of the parish suffrage. But no one possessing any real acquaintance with the subject is likely to fall into the blunder of applying such a precedent to a matter to which it is wholly foreign. At the time when scot and lot voting prevailed in the parish, the parish had no real control over the main items of local expenditure. In those days, the poor-rates, the highway-rates, and even the church-rates were beyond the control of the majority of the vestry. The ratepayers could not refuse to vote them—or if they did, their resistance was wholly unavailing—and when they were voted, they had but little power of regulating their expenditure. At that period, which has been ignorantly described as the age of ultra-popular local government, the Parish Vestry was in fact little more than a "bed of justice" to register the decrees of the county magistrates. It was not till after the Vestry had been organized and regulated by the Act of 1818, that it was thought expedient or safe to entrust the effective control of the local funds to the parish itself. STURGES BOURNE'S Act (which Lord CAMPBELL, in the recent case of RICHARDSON v. GLADWIN, has properly termed the Parish Reform Act) is a measure with which few people probably who have taken part in public affairs—always excepting Mr. BRIGHT—are unacquainted. To the principle of plurality of votes, which is its distinguishing feature, we have already

frequently referred. To call that Act an illiberal measure is simply absurd, for it was the foundation of all the liberal policy which has since that time governed the administration of the parish. It was not a single or isolated measure, but has been followed by a long chain of important legislative enactments, which incorporate its principle and extend its operation. While the parish franchise was unlimited, the parish had no real power; but when the suffrage was regulated with a due regard to the property of which it was to dispose, it was thought possible and wise to give the parish that control over its own funds which it was now, for the first time, qualified to exercise with safety.

The greatest and most important measure of local government giving extended power to the parish, was the New Poor-law Act. By the popular election of the Boards of Guardians, the ratepayers for the first time obtained an effective control over the funds to which they were called to contribute. It has been said that STURGES BOURNE'S Act was a measure inspired by the illiberal spirit of an old-fashioned Toryism. But the New Poor-law Act was one of the first and most important measures of a Reform Ministry and a Reformed Parliament; and the principle which governs in that Act is that of election by plurality of votes. As this fundamental principle has been steadily adhered to in all the numerous amendments which have, in the course of five-and-twenty years, taken place in the original measure—and as no attempt, so far as we know, has ever been made to disturb it—we are entitled to argue that it has been proved by experience to be fair in its conception and satisfactory in its operation. But on this point we are not left to inference alone. Parliament and the country have repeatedly registered their confirmation of the principle. The general interest which of late years has been taken in sanitary questions has led to the establishment by the Legislature of local boards for the purpose of carrying out measures for improving the health of towns. Satisfied with the practical experience of the Vestry and the Poor-law Union, Parliament applied to the elections of the Local Boards of Health the same principle of plurality of votes. But the most recent, and perhaps the most striking, confirmation which it has received is to be found in an Act passed in the very last session, to “make further provision for ‘the Local Government of Towns and Populous Districts.’” We are justified, therefore, in stating broadly that the system of a plurality of votes proportionate to the rateable property of the elector is the general law of local government. It may be objected that the Municipal Corporation franchise is based on a different principle—a principle which, however, is almost as far removed from Mr. BRIGHT'S ideal as that of the parochial suffrage. We believe that the authors of the Municipal Corporations Act themselves have seen reason to think that the franchise which they introduced is far less satisfactory in its working than that which governs the Vestry and the Poor-law Unions. But this at least is certain—that after a large and sufficient experience of both systems, successive Parliaments, in their more recent legislation, have invariably preferred the parochial suffrage.

We have thus enabled our readers to judge of the real position which this principle of plurality of votes occupies in the organization of our local government. We now repeat our demand to Mr. BRIGHT. Will he stand by the appeal which he has made—will he be bound by the precedent on which he relies? He is for a rating franchise. Will he take it with its legitimate consequences—that none shall vote but those who pay the rates, and that the electors shall have votes proportionate to the rates which they pay? If he will not, we must take the liberty to tell him that his profession of regard for property is an hypocrisy, and that his constitutional precedents are no better than an imposture. Of course, however, Mr. BRIGHT won't stand to his bargain. It is not likely that he should be satisfied with a system which Parliament has sanctioned for ends the very opposite of his own. The Legislature, in the institutions which it has established for the local government of the country—whether in the Vestry, the Poor-law Union, or the Board of Health—sought to give property a just weight and an adequate protection. Mr. BRIGHT'S object is to oppress and overpower property by the force of numerical majorities. Nevertheless, the parade he had made of the parish franchise was a little embarrassing to him. To use a vulgar expression, he had rather “put his foot in it.” But a mere argumentative defeat is nothing to a mind proof against logic. Mr. BRIGHT constructs his reasonings pretty much

according to the Irishman's receipt for casting a cannon—“take a long round hole, and pour brass round it.” He is always taking a “long round hole,” and it cannot be denied that his supply of brass of the first quality is quite unlimited. One of his round holes having altogether failed in the casting, he is fain to try another. The wise man of Birmingham is like the wise man of Thessaly, who “jumped into a quickset hedge, and scratched out both his eyes; and when he found his eyes were out, he jumped into another hedge, and scratched them in again.” Mr. BRIGHT felt that, somehow or other, he must get out of the scrape of the parish franchise. We commend to the attention of our readers the method by which he attempts to mend one hole by making another. “When you come,” he says, “to a question of Parliamentary representation, where not taxes only are to be considered, but rights, and personal rights—and not taxes, and personal rights only, but all questions affecting the great policy of the country both at home and abroad—I say it would be to cast the most deadly, and unchangeable, and ineradicable insult upon the working classes of this country ‘if anybody for a single moment contended that I should go and give my six votes at the poll for a member of Parliament, and that one of the operatives in my employ should go at my side and give his one vote.’” Now, what wretched stuff is this! Does Mr. BRIGHT ground his franchise on personal rights? If so, why does he propose a rating qualification, or even household suffrage? If it is a question not of taxes only, nor of property, but of “personal rights, and of all matters affecting the general policy of the country,” what does he mean by himself “casting the most deadly, and unchangeable, and ineradicable insult” upon all those persons whom he does not propose to admit within the pale of his scheme? What is the use of importing into the discussion an argument which is just as fatal to any plan which he ventures to propound as to the existing system, or to any other which his antagonists may suggest? If personal rights are to be the electoral qualification, why has he not the honesty and the logic to declare for universal suffrage? But if property and taxation are the basis of representation—an admission which the proposition either of a rating or household suffrage implicitly involves—we demand that some better reason should be adduced than has yet been put forward to show that the franchise which is given on account of property and taxation should not be proportionate to that property and taxation. For our own part, we believe that nowhere is a clearer light or a safer guide to be found on the vexed and difficult question of the electoral suffrage than in the lessons of practical experience derived from an attentive study of the principles and practice of our local government.

PEACE OR WAR?

THE peace and happiness of Europe are still menaced by the selfish and reckless ambition of a single man, who seems determined to read the sycophants of “strong government” a prompt and memorable lesson. The arming in the French ports and arsenals—the preparation of transports—the purchases of cavalry horses—still continue. The revolver is being loaded, the bowie-knife is being whetted; and, considering the cost of the operation to a Government already in financial difficulties, it is absurd to doubt that there is a practical object in view. Public opinion in France is undoubtedly against war. This would soon tell, if the war, with its conscriptions and taxes, were long protracted, or if the Imperial arms met with a single reverse; but public opinion cannot hinder the absolute master of the French army from commencing a war. It is idle to spell over the Delphic utterances of official and semi-official French journals—of journals which are, and journals which are not, supposed to be the kept organ of some “illustrious personage.” If LOUIS NAPOLEON meant peace, he could at once make the journals speak plain; and that he does not make them speak plain, with trade in a panic and the unpopularity of his Government increasing every hour, is a strong indication that he means war. The state of his finances is no check. The worse they are, the more desperate and the more ready to set the world on fire he becomes; and he moreover labours under the impression that his generalship would certainly lead to victory, and that victory would replenish his till. The report of a reinforcement of the French army at Rome is ominous in the highest degree. Even if the

Austrian positions in Lombardy cannot be taken in flank by an army moving from Rome, still the establishment of a large French force in the heart of Italy, and in combination with Italian insurrection, would be a blow at Austria which might compel her to draw the sword at once. There are strong signs, not only of a determination to hold firm, but of irritation, and a tendency to assume the offensive on the Austrian side. The marriage of the Princess CLOTILDE of Piedmont with a BONAPARTE is appropriately celebrated with a parade of veterans wearing the St. Helena Cross.

Sanguine Trojano et Rutulo dotabere, virgo;
Et Bellona manet te pronuba.

France claims to be the head and heart of European civilization. Her historians and political philosophers are fond of ascribing to her the "moral dictatorship" of the world. It well accords with the loftiness of these pretensions that we see her Government, the supposed embodiment of the moral majesty of the nation, prowling about like a burglar along the houses of a street to discover which wall is the easiest to climb, which window is the easiest to force. LOUIS NAPOLEON seems resolved that his course shall end as it began, and that nothing shall efface the memory of the fraud and violence by which he won his throne. A great destiny was, after all, before him, had he possessed the real force of mind and the virtue to grasp it. He uttered the words, "The Empire is Peace," but he had not depth of mind and character to comprehend their import. With these words upon his lips, he proceeded to organize France for a repetition of that career of conquest which ceased with the expiring fires of the Revolution. The solid glory of securing the tranquillity of Europe, promoting good-will among nations, protecting commerce, and reducing armaments, was opened to him; but a beggarly imitation of his uncle's dazzling brigandage has superior charms for a mind of his calibre. He will find, when he has brought havoc and misery on Europe, that Napoleonism is out of date. Nations, as the author of the French pamphlet, *Peace or War*, truly says, do not repeat themselves. One reverse would be ruin to a NAPOLEON supported by no national enthusiasm, but, on the contrary, condemned at the outset by the general sense of his nation, and compelled to employ two-thirds of his force in holding down his own subjects, while encountering a powerful enemy with the remainder. One overthrow—even one futile campaign in Lombardy—and the now fawning Senate will turn and rend the nephew as it rent the uncle after Leipsic and Waterloo. But Emperors learn wisdom only from disaster; and LOUIS NAPOLEON is about to study in that school. Unhappily, he cannot study alone.

Austrian statesmen would be blind if they could mistake the real nature of the sympathy generally shown to them in England at this crisis. They must see that it results simply from a determination to resist high-handed violence, and to uphold European law. We do not love the man who beats his wife, but we come to his aid, in the interest of the whole community, when his house is attacked by robbers. The Austrian Government in Italy, perhaps, as in its other provinces, is not so much tyrannical as demoralizing to its subjects—it does not make them miserable, but it keeps them in a state of perpetual childhood. Perhaps, too, there would be some danger in suddenly breaking up that Empire which, however heterogeneous and artificial in itself, is a barrier against the ever active ambition of Russia. But Austria in Italy is in an incurably false position, and one from which she will one day find it necessary in her own interest to recede. The Union of Ireland with England and Scotland, and the British Empire in India, which have been quoted as justifications of the Austrian dominion in Lombardy, afford no parallel whatever. Since Catholic Emancipation, Ireland and England have been rapidly becoming one; and though the embers of former hatred of course still smoulder, the fire is out, and the Repeal agitation has died a natural death. India is not a nation, but a congeries of hostile races, incapable of coalescing or of maintaining a regular government; and our abandonment of our Eastern Empire, though it would probably be no very material loss to us, would make way at once for anarchy and internecine war. In Italy, Austria is holding down a civilized nation, alien to her in race and language, and capable of self-government if her yoke were removed. Not only so—she is compelled by the moral necessities of her position to be the tyrant of all the rest of Italy, as well as of Lombardy, and to bring upon her head the guilt and shame of oppression at Rome and Naples as well as

at Milan. This is against all justice and all law; and what is more, it cannot possibly pay. A province like Lombardy, which is one vast fort and one vast garrison—which is the universal cockshy of all conquerors, crusaders, and propagandists, and requires great reinforcements to be always at hand—must more than absorb its own revenues in military expenses. Austria reaps nothing but chronic bankruptcy from one of the richest countries in the world.

A PALACE OF JUSTICE.

AT a recent meeting of the Law Amendment Society, convened to discuss the question of the concentration of the Courts, Sir RICHARD BETHELL described the scheme as a great plan of legal reform. Paradoxical as it may seem to apply such terms to a mere matter of professional convenience or architectural taste, there is no exaggeration in such an estimate of the importance of the project. Not only is it a great, but it may fairly be called the greatest reform that has been proposed even in these times of legal innovation; for it has become painfully evident that, until the whole machinery of justice is brought together into one locality, all the most important modern amendments of the law will remain practically inoperative. A review of the changes which have been introduced during the last ten years into the practice of our Courts of Justice would show that they have been based on the broad principle of simplifying complex procedure and consolidating divided jurisdiction. The Statutes which have passed through Parliament, and the regulations which have been established by the authority of the Judges, all point in the direction of consolidation; and scarcely any one doubts that we have at last got upon the right track. There is now no Eldonite dread of innovation; but, on the contrary, the most distinguished lawyers are the most ardent reformers of the law. Foremost among them both in zeal and talent is Sir RICHARD BETHELL. He has been backed not only by the preponderating feeling of the profession, but by the most unequivocal declaration of public opinion. He has enjoyed the opportunities of office, and still possesses the influence which belongs to a prominent Parliamentary debater. In spite, however, of all these advantages, the consolidation of our curious system of legal procedure has made no very perceptible progress. Law and Equity are practically as far asunder as ever. This is certainly not the fault of the Legislature, for if the approximation of the rival tribunals could be achieved by conferring enlarged jurisdiction on each, modern statutes would have sufficed almost to destroy the distinction between the powers of legal and equitable courts. To a great extent these statutes have failed, partly from the timidity of the Bench, but mainly from the accidental circumstance that Law sits enthroned in Westminster Hall, while Equity dwells in the less distinguished, but more convenient, purlieu of Lincoln's Inn. It was once said of Sardinia that it was geographically impossible for her to be honest; and it is not less a geographical impossibility for the Courts of Chancery and Common Law to be forced into unity, or even brought into harmonious co-operation, while the influence of local associations and local convenience continues to keep them apart.

The line of demarcation between the two branches of the profession has indeed been growing more and more defined, while the theoretical distinctions between the courts have one after another been swept away. Some centuries ago, the CHANCELLOR and the LORD CHIEF JUSTICE presided over what were really antagonistic Courts; and even after the feud had been compromised by a tacit agreement to differ, the domain of jurisprudence was so parcelled out between them that they retained scarcely any principle in common. A Court of Law constantly decreed injustice without remorse, because it knew that the wrong could be redressed in Equity; and the Court of Chancery persistently refused relief if it appeared that the suitor might have gained his object by a resort to the Common Law tribunal. By this circuitous process right was generally done at last, but at a cost of time and money which was a disgrace to the administration of justice. Recent legislation has attempted to abolish this artificial system. Courts of Law are no longer restricted to the consideration of mere legal rights, but are empowered to listen to equitable defences. They can now enforce the performance of duties, and restrain the perpetration of wrongs, instead of merely giving damages to the sufferer. They can

search the conscience of a defendant, and compel him to answer interrogatories, just as effectually as the Court of Chancery has always done. On the other hand, the jurisdiction of the CHANCELLOR has been extended over a great part of the domain of law. He can now, if he pleases, try a disputed question with the aid of a jury, and award damages for a breach of contract or a wrongful act. Very little, indeed, is wanted to make the jurisdiction of the two Courts absolutely co-extensive, and to give to each the power to do perfect justice in every case. But the enlarged authorities which the Legislature has bestowed are scarcely ever used to any practical purpose. An attempt to insist on equitable rights at Westminster is almost certain to break down and to end in an appeal to Chancery for its interference, just as if the necessity for such interference had never been removed. It is exactly the same at Lincoln's Inn, and jury trials and decrees for damages are as completely unknown as if the Act that sanctions these proceedings had never been passed. The tone of the Bench and the Bar is fatal to the experiment; and while one half of the profession travels on in its old ruts at Westminster, and the other trusts to the inspiration of Lincoln's Inn, all the legislative enactments in the world will prove as powerless as those which have already failed to bring about the union, or at least the approximation, which every one who cares for the interests of justice desires. It was by an unlucky accident that the severance between the two branches of the profession was completed just before their amalgamation came to be regarded as the ultimate object of law reformers. In the days of Lord ELDON, the members of the Bar did not think it necessary to restrict themselves exclusively to a single department of their profession. But when new judges were added to the staff of the Court of Chancery, new Courts were wanted, and the Benchers of Lincoln's Inn, with a sagacious eye to the improvement of their rent-roll, provided for the accommodation of the Vice-Chancellors the wooden shed which still shelters two of those functionaries. After a time, the visits of the Court to Westminster during term were limited to ceremonial sittings two or three times a year; and the severance between the two sections of the Bar has become almost as complete as if the administration of justice were not the common object for which the entire body exists. Some jealousy and more narrowness are the natural results of this state of things; but, unlike most evils of the kind, these may be cured by such mere material appliances as bricks and mortar. A common Hall of Justice would reunite the followers of Law and Equity, give larger views to both, and bring to a successful issue the attempts which have hitherto proved so abortive to render English jurisprudence at once more consistent with itself, and more conducive to the ends of justice.

But it will naturally be asked, What will the projected Palace of Justice cost? The answer given is too pleasant to be easily credited, but it is nevertheless true—it will cost nothing at all. There are funds available for the purpose, not wanted for anything else, and which could not be more righteously or appropriately applied than in providing a fitting home for all departments of the law. The Court of Chancery acts as banker for the estates which it administers. Until recently, the practice was, when money was paid in, to invest it in the funds if the suitor desired it and obtained an order for the purpose, but in other cases to take the deposit simply as so much money to be repaid when the estate was distributed. In some instances, where the sums paid in were of small amount, or not likely to remain long in Court, it might not be for the interest of the suitors to invest it in Consols subject to the risk of fluctuation. In many other cases, where there could be little doubt of the advantage of an investment, special orders to invest were not obtained, and the bank of the Court of Chancery thus became the holder of very large deposits, from which, like other banks, it realized a handsome profit. This system is now changed, and all sums paid in are invested, as a matter of course, for the benefit, and at the risk, of the suitors concerned. The Court has therefore ceased to make a banker's profit, but the result of its old business is that it is the holder of deposits to the extent of upwards of 2,000,000*l.*, by the use of which it has already realized a profit of about 1,000,000*l.* No one of course proposes to touch the stock in which the deposits stand invested, but the profit fund belongs to the Court as much as the annual profits of a joint-stock bank belong to the shareholders. But the banking business has not been the

only source of gain. The fees levied have exceeded what was required for the current expenditure of the Court, and a considerable surplus has accumulated from this source. Altogether, the funds of the Court, as distinguished from the suitors' money which it holds in deposit, amount to about a million and a half of Consols. Much less than this would build very splendid courts and offices, and the fund might be applied for the purpose without the shadow of injury to any one, and with a very large pecuniary gain; for the present annual expenditure in rent for law offices of various kinds is said greatly to exceed the interest on the probable cost of the proposed Courts. One objection has been often urged. It is said that if the Court spends its accumulated profits it will be like a bank without capital, and if called upon to repay all its deposits at a time when the funds in which they are invested were low, it might not be able to realize the full amount. The danger, however, is admitted to be purely imaginary, and might even in theory be removed by a Government guarantee which would be merely nominal.

This is, in substance, the proposal which has repeatedly been brought before the authorities, and which will, we trust, be urged in the approaching session by some energetic member possessing adequate architectural knowledge, and duly impressed with the legal importance of the question. When the necessity is so apparent, and the facilities are so great, it is strange that nothing should yet have been done; but it is stranger still that a counter-project for perpetuating the present dismemberment of the Bar should have been entertained by the Benchers of Lincoln's Inn. It is said, however, to have been resolved to erect within the walls of the Inn new courts and offices for the Equity Judges alone. A step of so retrograde a character could only be taken in the dark, and the publicity which has been given to the intention may be relied on to secure its abandonment; and, indeed, we cannot doubt that the Benchers will see that it is far better that temporary accommodation only should be provided until the construction of new habitations for the law can be made subservient to the improvement of the law itself.

NAPLES.

WHEN we last went to press, the world was in doubt whether death had or had not bereft humanity of the King of NAPLES—we really cannot fall in with the vulgarity of calling him King BOMBA, for the man is exempted from ridicule by the possession of a considerable amount of evil sagacity, and by the black majesty of his truly atrocious crimes. One contemporary, whose foreign intelligence is generally good, not only announced FERDINAND's demise as a certain fact, but wrote his epitaph in that style of pensive reprobation, tempered by respect for the dead, which is usual in the case of criminals of exalted station. The Almighty, said the French Duchess, thinks twice before He damns a person of quality; and the fashionable press appears to feel the same hesitation in dealing with the memory of a King. It seems, however, that Death only knocked at the august portal; and the precious life has been granted to the prayers of priests, who will take care to celebrate the special interposition of Heaven in behalf of virtue and religion. The smiles return to many a holy face. To suppose that any compunction, or any thought of amendment for the future, can have found its way to such a sick bed, would be to suppose that remorse for having persecuted heretics could have found its way to the sick bed of PHILIP II.

There is little reason to believe that Naples would have profited by a demise of the Crown. The Duke of CALABRIA appears, so far as anything is known of him, to be a weak and rather amiable man, not naturally disposed to the treacherous and tyrannical courses of his father; but he is a BOURBON, educated by Jesuits in the faith of Divine Right, and of the duty of persecution. As such, he is the born and bred enemy of modern civilization, and of everything like freedom, civil or religious. The antagonism is endless and hopeless. Some Absolutist and Jesuit Princes may be better, some may be worse. It is not likely that the Duke of CALABRIA would under any guidance reach the full measure of his father's crimes. But St. Louis himself would, from the necessity of the case, be a tyrant, if set, as an orthodox son of the Church, and a believer in his own Divine Right, to rule a people whose intellectual classes are imbued with totally different principles, and panting to give those principles effect. It is a moral deadlock, which may be more or less eased and mitigated by the personal qualities of individual

Kings and Ministers, and by the judicious interposition of foreign Powers, but cannot be got over. No BOURBON of the elder branch will ever govern constitutionally; no bigoted Roman Catholic will ever govern in accordance with the principles of religious liberty. They cannot do it. It goes against principles which have been so ingrained by tradition and education that they have become a part of their nature. To them it appears, and ever must appear, not politically inexpedient, but morally and spiritually evil, to place any limitations on the power of the Lord's Anointed, or to permit any liberty of dissenting from the doctrines of the true Church. They may occasionally be forced by circumstances to bow to the overwhelming force of triumphant evil, as FERDINAND did in 1848; but when, by the blessing of Providence and Austrian bayonets, a happier hour for religion and morality returns, they must be expected to commit an act of splendid perfidy, for which they will always obtain an easy absolution from the tribunal which, in their minds, stands in the place of conscience. Constitutional Government has never succeeded under any dynasty which could pretend to Divine Right. It has succeeded only with Royal houses, styled by their adversaries usurpers, such as that which has long happily crowned the edifice of liberty in Great Britain, and the ORLEANS dynasty in France; or with those which, like the Royalities of Prussia and Belgium, are the offspring of a newer order of things, and visibly owe their origin to something which is not Divine. LOUIS XVI., no doubt, sincerely accepted the French Constitution of 1789, and did his best to govern on the principles of civil and religious liberty; but he soon fell into correspondence with the coalized monarchs who had taken arms for the preservation of society. It is possible that a change of dynasty might have saved the French Revolution from itself. Even JOSEPH II., though as free from the prejudices of Royal caste as king could be, and though he had made a truly paternal use of absolute power, could not hear of being constitutionalized without exclaiming, "My trade is to be a king." It requires an education which no Prince of an ancient Royal house ever gets, to learn the trade of being a Royal first magistrate, whose duty it is, not to govern, but to reign. The priestly character, indeed, of the Continental despotisms in general, and of that of Naples in particular, has been specially intensified by the atheistical excesses of the French Revolution, which drove absolutism and priestcraft into each other's arms for mutual support. The Government of Naples before the French Revolution, as administered by TANUCCI and CARACIOLO, showed a decided liberal tendency in emancipating itself from Papal and ecclesiastical supremacy, and even made some progress in clearing the country of the myriads of black caterpillars by which the fruits of Neapolitan industry are devoured. In this respect, the Ministers of CHARLES of Bourbon and FERDINAND IV. were the worthy compeers of POMBAL and ARANDA, of the Emperor JOSEPH and TURGOR. But all was spoiled by the "red fool fury of the Seine," and the State dungeon and torture house of *Santa Maria Apparente* is the meet emblem of the compact alliance of Government and Religion at Naples against justice, morality, and truth. Believers in ST. JANUARIUS may also believe that these things will last.

Meantime the alarms which have filled Europe for the last fortnight have at Naples rendered a service to humanity which the death of the KING would probably have enhanced, but which his recovery has not cancelled. They have touched with salutary fear the heart of an oppressor, priest-hardened against justice, generosity, and honour. Under the disguise, familiar to Royal cowardice, of celebrating by an act of grace the marriage of his son, FERDINAND has done a slight deed of mercy, which the subsequent revival of his courage, as the storm seemed to pass away, has tainted indeed with his usual malignity, but has not entirely cancelled. POERIO and the companions of his sufferings through the horrors of a ten years' captivity in the dungeons of Divine Right and Catholic Faith, will be torn from their friends and from their native country; but they will at least be restored to the light of heaven and the sympathies of human kind. King FERDINAND, in repelling from his happy and religious realm this pestilent and offensive matter, proposes to shoot it on the vile shores of the United States. The United States, to tell the truth, are scarcely worthy of the implied honour. Their qualified anarchy is not the exact opposite to the tyranny of the King of NAPLES. They are not exactly the Hell to his Paradise. England is his real opposite, and the proper asylum of these exiles. POERIO and his associates belong to neither extreme, but to that

Constitutional party of which it will be the everlasting honour of this country to have been the real citadel through all the wild oscillations of European politics for the last seventy years. They are among those who have had the true courage to bear the reproach of moderation, and who, between the tyranny of despots and the tyranny of anarchy, have been found faithful to justice, liberty, and law. History will turn their reproach into the meed of pure and everlasting fame.

MR. GLADSTONE AND THE IONIAN QUESTION.

IT is certain that Mr. GLADSTONE has by this time, legally as well as virtually, superseded Sir JOHN YOUNG in the actual administration of government in the Ionian Islands. It is difficult to say what unforeseen "circumstances have supervened" since the original acceptance by Mr. GLADSTONE of his extraordinary mission, to render such a course necessary—unless it be the consequence, which might easily have been looked for, that the then Lord High Commissioner should have refused to stand any longer in the pillory of too ludicrous a *faineantism*, and that no good-natured Tory underling of sufficient respectability could be found, upon the moment, to replace him as walking gentleman in the pageant of Ionian Vice-royalty. To soften our regrets for Mr. GLADSTONE's temporary absence from his place in Parliament—the unavoidable result of the action of the laws of time and space during his detention as Lord High Commissioner *ad interim* in the Ionian Islands—we are confidently assured by various authorities that he will return in time for the most important debates of the session. It is not always easy, at the commencement of a Parliamentary session, to predict with absolute accuracy what may be in reality the most important of its unborn debates. The most gifted or the most shifty of statesmen cannot invariably rely so entirely on his own observations of political meteorology as to be certain, not only from which quarter the really formidable gale will blow, but at what precise moment it will commence blowing. Mr. GLADSTONE may return in time to represent his academical constituents at the critical moment, or he may not. Man proposes, and God disposes; but the logic of ordinarily trained minds hardly runs in unison with the process by which Mr. GLADSTONE proposes to be at his regular post when wanted, while doing his best to render superfluous the exercise of any overruling divine disposition by voluntarily putting himself into official harness at Corfu.

Whether the University of Oxford will consent to re-elect, in his absence, her most brilliant representative, on the plea of his having accepted a sort of lay bishopric *in partibus infidelium*, is a question which must be left for Oxford herself to answer. The Universities are reasonable constituencies enough, as constituencies go, and are by no means generally anxious to visit severely on their representatives any peccadilloes except such as interfere especially with their own corporate or clerical weaknesses. If Mr. GLADSTONE's inauguration of the promised reforms should appear to superinduce a happier era for the Ionian Islands, at the same time that no visible loss or harm is apprehended from the want of his eloquence or influence at home, it is probable that Oxford may overlook this latest vagary of absence without leave in the performance of a capriciously self-imposed duty. But we certainly cannot find it in the bond between the University and her member, that he should undertake, supplementarily to his duties as her Parliamentary representative, the part of King Alcinous upon the Phæacian stage.

It may be called pedantic and premature to cavil at an absence which is professedly expected to extend over a few weeks only by Mr. GLADSTONE and his employers. If we could impose on ourselves a childlike faith in any Ministerial predictions whatever, we should be most happy to believe that the Ionian difficulty has been by this time well looked in the face and half conquered, and that Mr. GLADSTONE will sail swimmingly back within the ken of his northern admirers before Easter at the farthest, fanned by the applause-breath of two grateful peoples. Narrow and remote as the whole Ionian question appears to the eyes of Englishmen at home, it would be worth something to be sure that it was laid to sleep for ever by a right solution—worth even the temporary loss of our most acute and brilliant orator from the wider theatre of St. Stephen's. But the sanguine anticipation of finishing the Ionian business so quickly is of a piece with the ideal unrealism of statesmanship which invented Mr. GLADSTONE's mission in the first

instance, and it argues an equal appreciation of the real difficulty. The task of inaugurating a new batch of reforms which shall turn constitutional government in the Ionian Islands from a dead corpse into a beneficent reality, is not so easy or so short a piece of work as writing a grandiloquent despatch, or even as stealing a foolish document from official custody. It is a task which will require the whole mind and the whole energy of purpose of its most conscientious undertaker—not one which can be slurred or hurried over in a race against time by the most skilful patcher up of incongruous handiwork, without leaving the rotten fabric more rotten than before. As soon as Mr. GLADSTONE has convoked the Ionian Parliament, his time will cease to be his own. In submitting for their criticism and approval whatever plan of reforms his two months' experience may have enabled him to strike out from the heterogeneous suggestions of his ecclesiastical and lay advisers, he abdicates the right of being his own master, until their opinion has been definitively pronounced. An ordinary Constitutional Monarch can afford to wait *in statu quo* until the palaver of his Parliament subsides of itself; but Mr. GLADSTONE's Parliament is, in this case, the ultimate authority which has virtually to indorse upon the Bill its formula of *le veut or s'aviser*. If the Lord High Commissioner *ad interim* seriously wishes to conduct his mission to any plausible termination whatever, his return to England must depend entirely upon the caprice of the forty Ionian legislators; if not, he might as well have spared himself the troublesome and ridiculous investiture of vice-royalty for a fortnight or a few weeks only. A few days ago, these gentry were unanimously clamorous for annexation to Greece. Our latest news is, that twenty-seven of the forty will now be satisfied with reforms. No doubt they will—*ad interim*. They will probably show themselves reasonable and judicious enough to be satisfied with the utmost they can get, until they find a fresh opportunity for successfully demanding a fresh instalment. They will not clamour for union with Greece any more—until the next time. They will do their best to convince His notoriously hard-pressed but sympathizing Philhellene Excellency of their practical readiness to co-operate with him in relieving the misfortunes of their unhappy country, without insinuating any more unhandsome personalities as to the source from which those misfortunes too notoriously arise. They will appear to do all that can be done to realize an expression frequent in Ionian mouths—*per conciliar tutto*. But what are the so-called reforms which will even temporarily satisfy their collective patriotism, Mr. GLADSTONE has yet to learn from the progress of their public discussions of whatever measures he may propose. They will, in private and singly, be his "very obedient;" but they have still so much of the supersubtle Venetian left in them, that they

"Can turn, and turn, and yet go on,
And turn again."

Mr. GLADSTONE is only yet at the beginning of the adventures of the old woman who was unable to force her pig over the bridge in time to get home to a reasonably early supper. The series of *n* terms has yet to be progressively constructed before he can even see in the distance the rope which cures all further delay by setting to work in earnest at hanging the butcher. All this, we are told, is to be done in a fortnight, and time to spare.

And when Mr. GLADSTONE has brought his capricious charge duly home, and inaugurated such measures of constitutional change as the Legislative Assembly shall be pleased to ratify on the one hand, and the Queen in Council on the other, will the *interim* (be it a fortnight, or whatever time it may), which Mr. GLADSTONE's commission is alleged to contemplate, terminate gracefully and satisfactorily for his own reputation? Will he not be bound, by a motive higher than simple curiosity or official officiousness, to wait and see the practical working of his own reforms in the government which he has taken upon himself? Can his short Ionian life be rounded with the tranquil sleep of an easy conscience before he knows, at least in some degree, whether the soundness of his judgment has proved equal to the goodness of his intentions? The labour of inventing a new constitution for a peculiar people, on the shortest notice and in the most impromptu spirit, and straightway leaving another to enter into the proof of his labours, is about as complete as the performance of an hostler who coaxes a kicking mare into harness for the first time, and serenely hands the reins to the coachman, with the intimation that nothing more is wanted but to drive her. It was mainly a similar irresponsible trifling on

the part of Lord SEATON with the difficulties in which his immediate successor in the government would infallibly be placed by his ill-considered reforms, that gave rise to the present impracticable deadlock of Ionian politics; and there is good reason to believe that even Lord SEATON, blinded as he was, would not have indulged himself in the vanity of taking to pieces the Ionian constitution at the end of his natural term of office, if he had not conscientiously hoped and expected a renewal of his tenure until he had proved in the working the quality of the harness which his own zeal had put together.

The deliberate undertaking of so ticklish a piece of work in that reckless spirit of personal indifference to consequences which does not care to look, after completion, upon what it has done, and does principally care that whatever is done should be done quickly, is a proceeding exactly suited to the statesmanlike grasp and morality of the youthful political heroes of Mr. DISRAELI's or Sir EDWARD LYTTON's earlier romances. But it is melancholy to see a grave, illustrious, and experienced senator and statesman, at the bidding of his own singular caprice, or the questionable instigation of interested employers, descend without any apparent reluctance to a flighty short-sightedness of political conduct which would be of no consequence in the wire-drawn character of a puppet of fiction.

MR. HALLAM.

THE death of Mr. Hallam is an event which suggests a curious retrospect. No man devoted his life to more severe or arduous studies. Hardly any one whose reputation was of so high an order was less widely known to the world at large. Beyond his own family and his personal friends, he was, generally speaking, little more than a name. Indeed, there was not much in his career to attract that general public attention and interest which is perhaps one of the greatest calamities that can befall a man of letters. His father was Dean of Wells, and he was born in or about the year 1779. He was educated at Eton and Christchurch, and was called to the bar by the Inner Temple, of which Society he was afterwards a bencher. We believe that he never practised as a barrister, having exchanged that calling at an early age for the place of a Commissioner of Audit, which he held for many years, and which gave him the opportunity of establishing his great literary reputation. With one touching exception, his life was passed quietly and silently in the composition of his three great works—the *Middle Ages*, the *Constitutional History of England*, and the *History of Literature*. It is a remarkable circumstance that the domestic calamities of one whose life was so grave, so studious, and, as regarded the world at large, so retired, should have attracted so large a share of public sympathy. The death of two sons, at the time when their loss was on every account most painful, was certainly as grievous a trial as a man could be called upon to bear; but in Mr. Hallam's case attention was attracted to the loss, not only by the remarkable manner in which our only living poet testified his affection for the elder son, but by the extraordinary promise which each of them had just time to display before his death. Those who are interested by the spectacle of that uncontrollable progress which makes an indelible though indefinable distinction between different generations, can seldom have met with a better instance of it than was afforded by the difference between Mr. Hallam and the sons whom he loved so dearly, and who so cordially returned his affection. The fragments of Arthur Hallam's composition which still remain present the same sort of contrast to his father's style of thought as Mr. Tennyson's poems do to Pope's, or Mr. King-ley's sermons to Paley's. It is pleasant to know that such differences left untouched the mutual affection and admiration which existed between the father and the sons.

Singular as are the circumstances which have associated Mr. Hallam's name in many minds with such recollections as these, their connexion with his memory will, no doubt, be very transient. His historical reputation will, in all probability, last as long as the Constitution of which his works explain the origin and record the growth. The position which they occupy in English literature is well worthy of attentive consideration; and it may be interesting to our readers if we take the opportunity of the death of their author to attempt to explain with some minuteness the relation in which they stand to some of the other works which have been written upon the same subject. Though, as we have observed, Mr. Hallam never practised law as a profession, his habits of mind were deeply influenced by his legal studies. In almost every part of his works, the lawyer's temper and the lawyer's canons of criticism may be traced with the greatest plainness, and it would hardly be too much to say of him that the predominant object of his books was to cast the history of England in a legal mould. The possibility that a man of Mr. Hallam's ability should construct, or should attempt to construct, such a conception, is in itself a most characteristic circumstance. It could have occurred in no other country. To review with an all but passionless calmness all the cardinal points of English history, and to pass judgment upon them in the spirit of West-

minster Hall, is, if we are to judge from the wide influence and popularity of Mr. Hallam's books, a view of political life which is not only characteristic of, but welcome to, the English mind. It is not a little remarkable that the fact should be so. Let any one try to imagine the history of France written in such a spirit—let him conceive the difficulty, if we may not rather call it the absurdity, of attempting to solve the problem of the legality of the quarrels between the Burgundians and Armagnacs, the Wars of the League, the policy of Louis XIV. and Louis XV. towards the parliaments—and, above all, the series of revolutions which have distracted the country since the year 1789. Justice has been administered in France between man and man, and between the State and private criminals intelligibly enough, but the notion of a law which can control the Government is still exclusively English. It is this conception that gives unity and interest to Mr. Hallam's books—an interest which maintains itself in the face of a style infinitely too compact and severe to have attractions for any but very serious readers.

Mr. Hallam, as his readers are aware, dates the birth of the English Constitution from the reign of Edward I., and every one who has made a serious study of the early part of our history must have been struck with the judgment which he displayed in doing so. Though such writers as Mr. Allen have succeeded in tracing the rudiments of a Parliamentary system back even to the time of William the Conqueror, many years passed before the law was otherwise than a partial and arbitrary system. It is well known that no act of the Conqueror's excited greater indignation and terror than his execution of Walthef for treason, the gravamen of which lay rather in the rank than in the innocence of the sufferer. In the early part of the twelfth century, perpetual imprisonment was the severest punishment which Henry I. could venture to inflict on a great lord who was convicted of no less than forty-two outrageous acts of rebellion and murder: and even this was not brought about without overcoming considerable resistance on the part of the rest of the nobility. The same state of things may be traced to a certain extent through the reign of Henry II., Richard I., and John; but Magna Charta (which has been ignorantly and absurdly described as a mere result of aristocratic violence) introduced a change which no one can appreciate who has not followed Mr. Hallam's advice by comparing Matthew Paris with Ordericus, Malmesbury, and Newbury. To use his own striking language—

From this era a new soul was infused into the people of England. Her liberties, at the best long in abeyance, became a tangible possession, and indefinite aspirations for the laws of Edward the Confessor were changed into a steady regard for the Great Charter. Pass but from the history of Roger de Hoveden to that of Matthew Paris—from the second Henry to the third—and judge whether the victorious struggle had not excited an energy of public spirit to which the nation was before a stranger. The strong man, in the sublime language of Milton, was aroused from sleep, and shook his invincible locks. Tyranny, indeed, and injustice, will, by all historians not absolutely servile, be noted with moral reprobation, but never shall we find in the English writers of the twelfth century that assertion of positive and national rights which distinguishes those of the next age, and particularly the monk of St. Albans.

After the confusion of Henry III.'s reign, we find in the Parliament Rolls of Edward I. conclusive evidence of the full practical establishment and vigorous operation of that great principle which to this hour is the exclusive possession of our country—that no man or body of men, whatever may be their position or authority, and whether they are or are not acting officially, or even by the express command of the king himself, are superior to the law. Edward II. was infinitely more distressed and injured by the illegality and informality of his execution of the Earl of Lancaster, in 1317, than Louis Napoleon was in 1858, when he transported hundreds of men to Lambesa without any pretence of legality, or than the Vigilance Committee of San Francisco, when, a year or two ago, they hung men (most of whom well deserved hanging) with no approach to any other warrant than that supplied by their own views of expediency. The establishment of this principle and its gradual development form the subject-matter of constitutional history. Constitutional history itself is a narrower subject, for it is composed of the writings of a class of authors not very numerous, nor (with a few exceptions) very well known. Our object in the present article is to show the position which Mr. Hallam occupies in this class.

Our principal writers on Constitutional History may be divided into three classes—the lawyers, the controversialists, and the modern school of which Mr. Hallam and Sir F. Palgrave are the principal members. The lawyers, for the most part, handled the subject exclusively from a professional point of view. Fortescue, the author of the book *De Laudibus Legum Angliæ*, is the earliest, and by no means the least valuable of them. Indeed, his book is written with a liberality of thought and a freedom from technicalities which perhaps entitle it to take rank rather amongst political treatises than amongst mere law-books, and which certainly make it far more agreeable to read than the more copious and detailed treatise of Lord Coke, who may stand next on our list. His *Institutes* contain a vast quantity of legal and constitutional history; but nothing can be more characteristic of what in these days we should call the unhistorical temper of the times in which he wrote than the confusion and bewilderment of his books. The *Institutes* were published in the early part of the seventeenth century; but the law which they contain is of all ages, from the time of Edward I. downwards, and it never seems

to occur to the writer that it makes the least difference whether an Act was passed in the thirteenth or in the sixteenth century. The whole of the real property law, for example, which forms the first Institute (better known by the familiar title of *Coke upon Littleton*) is based all but exclusively upon the feudal system, and therefore upon a state of society which, in Coke's time, had entirely passed away. But this never appears to cross his mind. It never seems to strike him that the constitution of society changed, and that the character of landed property would naturally change with it. His whole view of history seems to be that some cases were before, and some after, the statutes *De Donis* and *Quia Emptores*. The very quaintness of his style shows the indiscriminating temper of his mind in the strangest manner. He maintains, for example, that corruption of blood was warranted by Scripture, because it is said in the 109th Psalm that the children of the wicked are to beg their bread in desolate places. Few things can set the historical and the pre-historical temper in clearer contrast than a comparison between Coke's *Second Institute* and Barrington's *Observations on the Statutes*. The subject of the two books is identical. The difference in temper most curious. Lord Hale's *History of the Common Law* is little more than a fragment, being only an introduction to a larger work, which was sketched out, but never completed. It is written in a far more modern spirit than that which belonged to Coke, but it turns almost exclusively upon questions of purely technical law, and has very little to do with the great questions of the Royal prerogative and the powers of Parliament. We may close our notice of the purely legal writers on this subject by referring to Blackstone. His mode of treating the subject of Constitutional Law may be considered to form the complement of the views advocated by Mr. Hallam. He cannot fairly be charged with a want either of learning or of accomplishments; but he was involved in that necessity which so many persons appear to have felt in the last century, of weaving all his statements into a system, which if it could not be deduced from the widest *à priori* grounds, could at least be defended on them. He never appears to see the distinction between the reasons why an institution was founded, and the reasons which, after it has been founded, may be alleged in support of it. Why, for example, is the King of England one of the three branches of the Legislature? "Because," says Blackstone, "it is highly necessary for preserving the balance of the Constitution." An excellent reason, no doubt, for maintaining the established state of things, but one which had absolutely nothing whatever to do with its original production. This sort of narrowness, which values a fact only as proof of some preconceived proposition, is the characteristic of all writers who take an exclusively legal view of the institutions of the nation. Blackstone's famous argument upon the Revolution of 1688 is a curious example of this temper of mind. He views the whole transaction as a precedent, and deduces from it at last the proposition of law, that if the throne is vacant, the Lords and Commons together may fill it.

Such were the peculiarities (more or less distinctly marked) of those who treated our Constitution merely as matter of strict technical law. It is, however, to be observed that the subject was deeply studied throughout the eighteenth century by another set of writers for a very different purpose. They were the controversial partisans who took one or the other side in the great debate between the House of Hanover and the House of Stuart. Several most learned though one-sided books are the monuments of this discussion. They have, as might have been expected, both the merits and the defects of controversial writing. They contain an immense quantity of useful materials, and of untrustworthy conclusions. The histories of Rapin on the one side, and those of Carte and Brady on the other, are the most important of these works. Carte in particular deserves notice, as he was the first person who studied, with a view to historical composition, the original records which contain not only the law reports, but the State Papers of early times. Mr. Hallam's works abound with references to his book, and with expressions of admiration for his extraordinary industry and great ability. Barrington's *Observations on the Statutes* and Reeves' *History of English Law* occupy a middle position between the technical lawyers and the controversialists. They are written much in the spirit of Mr. Hallam's works, though Reeves was the highest of high Tories, and, curiously enough, was on that score the subject of the most absurd of all the absurd prosecutions for libel which disgraced the close of the last century. His book is admirably clear and learned.

Such were some of the principal predecessors of Mr. Hallam in the great task upon which he laboured so long and so successfully. In addition to their works, he had the advantage of the labours of several antiquarians who had brought together a great mass of historical documents—particularly Rymer, whose immense collection is to this day one of the most valuable of historical authorities, and Madox, who passed a great part of his life in the strange occupation of forming a digest of the Exchequer records from John to Edward II. Mr. Hallam's great superiority over all his predecessors was due, not so much to his intellectual vigour, or even to the impartiality for which he has been so justly praised, as to the fact that the point of view from which he regarded the whole subject of constitutional law was a far higher and more reasonable one than they had been able to seize. When he began to write, Bentham had broken up much of that blind reverence with which English lawyers were formerly in the

habit of regarding English law; and the French Revolution had effectually answered the double purpose of putting the Stuart controversy and all that belonged to it at an immeasurable distance from all living interest, and of discrediting *à priori* speculations about the nature of governments *de jure*, as compared with their development *de facto*. Nothing can be more curious than the parallel movement by which the interest in history revived at the same time on both sides of the Channel, under the influence of precisely similar causes. Mr. Hallam and M. Guizot were each brought to study the history of their respective countries, by the striking illustration which both had witnessed of the impossibility of constructing a government for a country without reference to its history. The great peculiarity of Mr. Hallam's works is that he realized more completely than any writer who had gone before him, the fact that, in respect to England, history is the *substantive*, and law, in whatever form—whether as it is embodied in institutions, or as it exists in mere ordinances—is the *adjective*, and that without a deep acquaintance with both it is impossible to arrive at satisfactory conclusions about either. No one, so far as we know, has brought out with such a variety and aptness of illustration the great truth that all institutions are in their very essence relative—that they can only be estimated and understood by one who has acquainted himself with the social state of the people amongst whom they exist. Nor has any one more clearly established the correlative truth (a truth more frequently neglected at present than the other), that there is no more powerful agent in determining the moral and social condition of a nation than the institutions which are thus to be studied. The historical method of inquiry into politics and law is now so popular and so well established, that we are apt to forget that its adoption is both a recent and a most remarkable event. That it is so, in fact, any one may satisfy himself by looking into any of the systematic political treatises which were so much in fashion in the last century. No one in the present day (except perhaps Sir A. Alison) would venture upon the statement which met with so much applause when put forward by Montesquieu, that the fundamental principle of a monarchy was honour; and that of a republic, virtue. No one now, except a few uneducated sophists, thinks of talking, at least in this country, about the inalienable rights of man, and the civil contract which is the basis of society. Nor do we suppose that any one in the present day would talk such nonsense as Lord Camden was guilty of in the last century, when he rebuked the miserable antiquarians who dared to inquire into the origin of the Constitution, instead of falling down to worship it. Mr. Hallam was amongst the first, and certainly was one of the very most effective, adversaries of these and similar errors. Jeremy Bentham, indeed, attacked the consequences which flowed from them with a degree of acuteness which is almost unexampled, and with a force which very frequently degenerated into coarseness and brutality; but Bentham was not only very unjust to his antagonists in refusing them credit to which they were justly entitled, but he was himself a dogmatist of the most rigid and unsatisfying kind. He overthrew Blackstone, and vexed the souls of Lord Eldon and other orthodox lawyers in the most triumphant manner; but his theory of the constitution, and by consequence of the history of England, is not only false, but has simply no relation to fact whatever. He maintained that the English constitution was a nonentity, because it was not contained in any precise, definite written shape, and that, as a fact, our government was a modified despotism, of which the King was the senior, and the other branches the junior partners, entirely dependent on him for whatever trifling share of power or influence he might be pleased to allow them. It is hardly necessary to say that such a theory is no more than a dyspeptic dream, to which a violent person chose to attach a degree of importance to which it was not entitled.

Mr. Hallam's books supply the positive side which was so weak in Bentham's political theories. In fixing the history of the constitution, he gave the true measure both of its excellences and of its defects; and nothing can be more curious than the mode in which he disentangles it from a vast and apparently incongruous heap of materials. Accounts of the general state of society in the middle ages—of the common features of the constitutions which grew up with very different results in England, France, Spain, and various other countries—of the state of arts and sciences, the growth of towns, and the distribution of the different ranks of society—were all united to form the standing-point from which a clear and fair comparative view might be taken of the political condition of England. From this starting point is deduced the history of the gradual development and legal recognition of that set of principles which, taken together, make up the English constitution; and it is impossible to give too much praise to the skill with which the double character of the various events related is kept in view. Mr. Hallam never forgets either that he is relating historical events the character of which depended upon the state of public feeling at the time of their occurrence, or that he is recording legal precedents the importance of which as precedents is even yet by no means extinct. It is this double aspect which invests his books with such a peculiar importance; for whilst their historical character saves them from the technicality of mere law books, their legal character connects them with practical life, and delivers them from that strange air of fatalism which gives an unwholesome tinge to many modern histories of great celebrity.

It is of course easy to find fault with a great writer, and no doubt there are some real defects in Mr. Hallam's works, and some apparent ones, which diminish their credit with the present generation. Judges better entitled to speak on such a subject than we can profess to be, say that Mr. Hallam was not so well acquainted with the Canon Law as might have been desirable, and that this prevented him from appreciating the force of some of the most powerful of the influences which produced a sort of unity amongst the nations of Europe in the middle ages. It is also difficult to avoid the conclusion that he had less sympathy than an historian ought to have for passion in general, and especially for the religious passions. In reading his dissertations on the Civil Wars, it is difficult not to feel that he did not adequately distinguish between the principles and the pretences of the two great parties which divided the nation. He steers a very impartial course between the Roundhead and the Cavalier, but if Cromwell or Charles could read his book, each would probably feel that the strongest part of his case was left untouched, however fairly that which was touched might be dealt with. It may also be objected to Mr. Hallam's whole theory of history, that it proceeded to some extent upon an anachronism—that he antedated the constitution, and ascribed a sympathy for and an appreciation of constitutional arguments to men to whom the whole theory was entirely foreign.

We shall not stop to inquire how far these charges may be true. That there is some truth in them cannot, we think, be denied; but the other side of the question appears to us to be far the most important. There never was a time when Mr. Hallam's books were more likely to exercise a healthy influence than at present, for there never was a time in which it was more necessary to assert in the strongest way the importance of acts as opposed to feelings and dispositions, of positive law and definite institutions as opposed to tendencies and formulas which are foolishly described as laws. Whatever Mr. Hallam's defects may have been, he always gives his readers something real, tangible, and solid. He proceeds by fixed rules and principles, and does not call perjury and murder by new names merely because the general character of an historical personage suits the new names better than the old ones. He has a belief in facts, in broad results, in well tried principles; and in these as in most other respects, his books are an example eminently worthy of study and imitation by the whole school of romantic and pictorial historians.

TRAVELLING CLERGYMEN.

A HUNDRED years ago, the travels of even the most travelled clergy were limited to accompanying a young nobleman on the grand tour. But later times have seen a great extension of the wanderings of English clergymen. On a bright morning in spring, as our old friend James would say, a keen eye may descrie two wayfarers in sombre garb, mounted on steeds of the country, smoking their best English cigars, as they round one of those curious hills which mark the centre of the Peloponnese. The Greek population would hear with unfeigned astonishment that these were priests in their own land. The heresy that can produce such lay-looking Papas, and can be content to sit at their feet, would be incredibly strange, if it were not set down as part of the great English madness that reveals itself under a thousand forms. An Arab chief is teased by the importunities of a Frank, who will insist on passing through hostile tribes, and wastes without water—who is ready with his purse, and equally ready with his pistol—who has no care for life, comfort, or ease, if he can but work his way to some of the antiquarian diggings that have been left by old conquerors for the benefit of the modern nomads of Syria. To hear that this impetuous cavalier was a sacred man among the Giaours, and had announced himself as specially called to expound the texts of the holy Book, might well make an Oriental take refuge in the unfathomable ejaculation of "God is great." Nor can the surprise of Europeans, although belonging to a nation that has its home so near our own, be much less, when a party of French subalterns in Algeria is visited by a strategist who knows every move made in the conquest far better than they do, who takes his horse down the most break-neck descents, and who yet turns out to be an English clergyman. They cannot make out what is meant by a priest who has no inconvenient garments to impede his movements, who carries a cigar instead of a rosary, and whose talk is as military as that of the youngest fire-eater. The practised eye of an Englishman would indeed perceive that, in the pepper-and-salt shooting-coat and black wide-awake of the stranger, there was a secret maintenance of an approach to clerical costume under every difficulty. But foreigners could only settle into that demonstrative politeness which covers all emotions of wonder, contempt, admiration, or disgust.

If, however, the travelling clergyman must be a standing puzzle to the natives among whom he wanders, he is a product of English civilization that sensible Englishmen may regard with the liveliest satisfaction. It has generally cost a good deal to raise him, and the money has been well laid out. In most cases he has been a successful scholar, and is living by taking part in University tuition. It is in his ample vacation time that he wanders over the earth. He trusts to his scholarship for amusement—to his knowledge of languages for acquaintances—to his

character for all the dignity and respect a wise man cares to attain to. When at home, he helps to keep up the standard of English learning, while his cosmopolitan experiences are a constant bar to his looking on his order as a distinct cast. A learned clergy, that shall be respected as clergymen and not marked off from laymen, is the first of blessings to a civilized nation. The marriage of the clergy tends undoubtedly to make them mix freely with the body of educated people in England, but travelling is a great help also. A parson who is just fresh from a bivouac in the Arabian desert, or a smoking party on a Nile boat, is not the man to interfere with rational amusements or to quarrel with decent parishioners. It takes the cursing out of a man for months to ride a raw beast a hundred miles away from settled society; and gratitude for being restored to clean shirts and dry toast makes the clergyman affable and pleasant on his return. It even does the clergy a great deal of good to take their happy little trips to the metropolis. How much innocent pleasure they derive from indulging, while in London, in the permissible laxity of a black tie! They feel accepted into the great brotherhood of people that swarms about them when they have got this link of unity round their throats; and these good feelings are heightened a thousand times when they venture on distant and difficult travel, and have to encounter real dangers, and make their way among people who do not know of their peculiar calling, and would not respect it if they did.

We are proud of our travelling parsons. We alone, of all nations on earth, have invented and perfected the type. The priests of a priestly system can never imitate it, and the ministers of almost all other Protestant communities are too poor to travel. But England has somehow struck out a race of clergy who are rich, but not lazy—who are sound divines, and yet have the freedom of adventurous laymen—who are thoroughly bent on fulfilling the pledge given in their ordination, but who retain all the interest in secular events that they ever had when their thoughts were most turned to the world. And the race of travelling clergymen often presents a very agreeable contrast to those who stay at home; for it too frequently happens that, when a friend takes orders, we lose him as a friend. He cannot stand the daily pressure of small professional pursuits. He lets a habit of absorption in parochial work spread a film of separation between him and his old associations. It is in vain that he protests that he is the same as ever—he really cuts himself off slowly, but certainly, from his former friends. Even supposing that this is unavoidable under some circumstances, and to persons of reclusive habits and nervous temperament, it is a great gain that there should be other clergymen who keep alive their connexion with the lay world by foreign travel. And it is on account of the character it indicates and tends to form, that we prize the travelling, and not at all on account of any professional results to which it may be made to minister. It is not in the least degree an advantage that a clergyman who travels should make the scenes of the history of the Old or New Testament the theatre of his wandering. In fact, unless he is of a very strong mind, he is apt to be prejudiced rather than benefited by going where he feels bound to think professionally. That the danger, however, can be successfully surmounted is abundantly shown by Canon Stanley's *Sinai and Palestine*.

Mr. Kingsley has oftentimes praised and argued the merits of the sporting parson. Not only is he himself attached to the sports of the field, but he finds them a useful canvas on which to exhibit his singular powers of description. Accordingly he has given us such an account of hounds, coverts, leaps in and out of bogs, chalk-streams, and artificial flies, as has never been given before. And it is the peculiar turn of his mind to wish to persuade himself and others that, the odder the thing is that he does, the deeper and grander is the principle on which it rests. He is not satisfied unless he can make out that the scheme of Divine Providence absolutely requires him to put an old mare at a practicable part of an ox fence. His fishing is based on a theory of morals, and there is something almost spiritual in the accuracy with which he chooses the most killing fly. It is not that he reconciles sporting to his conscience, but he makes sporting a primary duty to which he struggles to keep his conscience alive. If the main argument on which he proceeds is translated out of the language of his school, it comes to this—Sporting is right, because of the moral qualities it fosters. A clergyman requires to possess these qualities as much as, or even more than, a layman. Therefore it is as right, or even more right, for a clergyman to sport. We cannot say much against this argument. The common objection is false. It is not true that a clergyman who hunts need neglect his cure, for it is notorious that no parish in England is better looked after, or served more zealously, than that over which the apostle of sporting parsons presides. All we can urge is, that some parishioners are apt to be scandalized if their parsons sport; and however foolish this may be, yet there are occasions when, and places where, the tenet of the sacredness of sport had better be kept in the background. But fortunately the parsons need not be debarred from periodically working off their superabundant energy. Foreign travel will give them a field where they can go through any amount of hard work, kill any amount of game to the glory of Heaven, and attain any human measure of moral activity. Four days will land them in Algeria, and there they soon get out of the bounds of censorious civilization. There are no old maids in the Metidjah, and there is no one to write anonymous

letters to the bishop in the passes of the Lower Atlas. When they come home, and once more encase themselves in the stiff respectability of a white choker, they can have the secret pleasure of calling to memory the delightful adventures of flood and field which have given them such elastic spirits and such hardened muscles to carry them through the mental and physical fatigues of their ordinary duty.

There is also another form of superabundant energy among the clergy which might with great advantage be drained off by a little occasional travel. In this case the expenditure of energy is not made on a principle which we respect, nor under the direction of a teacher whom, like the Evangelist of clerical sporting, we admire and honour. It is simply a gratification of isolated vanity. The practice to which we allude is that of young curates going about to lecture. On any conceivable subject they are ready to give an hour's delivery of art and wisdom. This may be very fine fun for them, but it is not very pleasant for those who have helped to place them where they are. A respectable relative, who thinks that he has got the youth into the safe obscurity of a curacy, is shocked to see that the family name is placarded, in a distant town, as about to lecture on the Tombs of the Pharaohs or the Rights of Women. We like a clergyman to have his little outing like his neighbours, but this is going too far. He had much better sow his wild oats in some other way. If he is not content with the admiration excited by his discourses in the pulpit, and by his presence at school feasts—if his hungry soul bids him roam beyond the bounds of his parish—he had much better refrain from adding to the twaddle that is inflicted on patient hearers under the name of lectures. Let him take a run abroad. He will soon find himself tired enough to long for quiet at home. This is not the sort of man that requires Algeria to brace him up. If he bravely ascends the Rhine, and has two or three good donkey expeditions in the environs of a German watering-place, he will have gone through enough to sober him. He will come back contented; and if his newly gained sense cuts him off from distant lecturing, he will be rewarded by being accepted as the Ulysses of the local tea parties.

THE BURNS FESTIVAL.

PERHAPS the shopkeeping element in our national celebrations and glorifications is neither a new thing nor especially English. The ages of faith, we take it, were ages of profit; and hero-worship and saint-worship had then, as now, their commercial aspect. In a recent celebration which took place at Chartres, it turned out that a certain shrine, or statue, was a chief element in the municipal receipts; and a decaying cultus was openly revived, because the town exchequer was moribund. Treves has always made a good thing of the Holy Coat; Canterbury innkeepers and tradesmen knew that St. Thomas a Becket kept trade alive for many a long century; the Three Kings were a most profitable investment to the Cologne burghers; and it is well known that La Salette has risen into celebrity not without an eye to the pecuniary incomes of poverty-stricken *aubergistes* in a poor and deserted district. We do not, therefore, complain of the Burns Centenary Festival at the Crystal Palace, as it is commonly designated, as any new thing. It is only a Yankee notion. Indeed, Mr. Barnum has no need to teach us the arts of the showman, after the fact that the people of Birmingham actually exhibited their Sovereign in order to get up the means of purchasing a People's Park, which they pretended to have bought, but had not the honesty to say they omitted to pay for. We do not, then, stigmatize the Burns Festival as an innovation. It was only a vulgar stroke in trade. But we do say that it was a gigantic imposture, very badly managed. It was simply a take-in, and was not only an offence against good taste, but against decency, if not against honesty.

Of course we make all allowances for the Directors of the Crystal Palace Company. They have got hold of a property which, as a commercial speculation, is an undoubted failure. The High Art view of the Sydenham show is at an end. The enterprise exists not so much to educate the popular mind as to secure a dividend, and it must therefore minister to popular tastes. We make no complaints of the Christmas revels, or of the gigantic Twelfth-cakes, or the lotteries for good little girls and boys. To be sure, these things are a sad falling off from the Imperial opening, and the archiepiscopal benediction, and the inaugurated era of a Palace for Art and a fane for high education. Still, hungry dogs must eat dirty pudding. We take the Burns Festival simply as a commercial speculation, and we criticise it on commercial grounds.

And first we say that this investment in celebrities for merely commercial objects is a public offence—almost a public nuisance. The Handel Commemoration is not a homage to the great composer, and is only indirectly an aid to musical progress—all these objects are subordinate to the almighty dollar. This is a wrong to the mighty dead. The sexton at St. Alban's used to show Duke Humphrey's head for sixpence, and decency and taste were revolted at the profanity. How does this differ from the recent investment in Robert Burns? And where is the thing to end? Not a day but might be made out by adventurers in chronology, especially by the students of M. Comte's calendar, to be the fiftieth, or hundredth, or five hundredth anniversary of

somebody's birth or somebody's death who has won his place in the Valhalla of Memory. This very year, for aught we know, the Directors may treat us to centenary canonizations of Pitt, of Nelson, and of Wilberforce, all whose nativities lent additional lustre to the year 1759. A Tory festival, a Naval triumph, and a Philanthropist demonstration, would serve admirably to fill up the interval between Burns and Handel; and then the death of George II. and the accession of George III. may be suitably commemorated in 1860. Fortunately there is no single year in the eighteenth century in which some eminent individual will not be found to have been born, to have died, or, at the worst, to have flourished. At any rate, what on earth was there in the career or merits of Robert Burns to point the centenary of his birth with such speciality as to deserve a national celebration? And if a national celebration, why one of this Bartholomew Fair and school-boy character? We assuredly do not disparage the rare genius, nor are we disposed to be critical of the moral character, of the great Ayrshire ploughman. He was what he was; and the lesson and the example are what they are. But if Burns is to have his red-letter day, why not Milton or Pope? Why is not every day to have its hagiological celebration? Where are we to stop? But the mere notion of fifty-guinea prize poems—say on Wellington or Nelson—with dinners composed of Waterloo outlets, and puddings à la Strathfieldsaye, and Aboukir meringues, and Trafalgar punch—is a thought too appalling to be dwelt upon. The Stratford Jubilee ended in a universal sibilant; but it had much more to commend it than this silly business. Poor, weak, fussy Garrick really meant to honour his hero; and he got up something picturesque, which had a sort of dim, foolish realization of meaning. It smelt of the stage; but the man most concerned spent his money and time on it, and did his best to bring out his own worthless meaning. At Sydenham, on the contrary, there was not even the decent hypocrisy of affecting to do the thing well. It was simply a dodge for getting the greatest number of thousands of shillings at the very least expenditure of intelligence and thought. The problem was to get as much money out of the public, and to do as little for it, as public patience would endure. Robert Burns was invested in, just as the bottle conjuror, or a woolly horse, or Tom Thumb would be purchased, for the job—just as the horned fiend was hired at the Cid's wedding for forty maravedis—just as the Surrey Gardens people invest in Spurgeon, and the Birmingham Mayor advertises the Queen as an unparalleled attraction. This comparison, however, has been anticipated. The prize poetess, in a fine vein of hyperbole, assures us that Robert Burns is one—

Who more of Fame's immortal dower
Unto his country brings
Than all her kings!

which is only Miss Isa Craig's pretty way of saying that the Scotch poet more of Coin's substantial dower unto this Crystal Palace brings than all her kings—and queens too.

As to the celebration itself, it combined the opposite elements of pretence and shabbiness—pretence in the promise, shabbiness in the execution; and considering the national sympathies of the land of Burns, we are bound to notice a sad departure from the orthodox standard of True-blue Presbyterian feeling. To say nothing of the encouragement given to carnal creature-worship in a celebration so sadly suggestive of a saint's day, we must say that the exhibition of relics and the imitation of a poetical canonization, albeit accompanied by the melodious screeching of two dozen screaming pipers, had a very Papistical twang. The step from Burns' beatification to saint-worship is too easy; and though it was pleasant to find that the poetess, with a fine allusion to the Calvinistic dogma of absolute predestination, hinted that the Almighty could not have made Robert Burns other than a drunken reprobate—which is the just inference from Miss Craig's doctrine, that only the Almighty could have made him other than he was—still we must say that for so very iconoclastic a nation as Scotland to inaugurate poets and to sing choral melodies to the dead, and to exhibit their hair, is hardly consistent with Protestant gravity.

But, apart from this, we have to complain of the meanness of the show. It was starved in all its details. As to the fifty-guinea prize, that was, of course, more than repaid by the profits on the copies sold; and as there were about 10,000 shilling visitors, the Company were glad that Burns died, according to the Chatterton formula, by 500*l*. Now, we should say that 25*l*. would more than repay the extra expenses of the great Centenary celebration. The philibegs and plaids were few, and unmistakably dirty; and though there was an abundance of red hair among the visitors, yet the Celts generally paid for their entrance. Not even the Chief Justice or the Bishop of London received complimentary tickets of admission, and not a single Scotch thistle was produced by the characteristic knight of an entertainment projected by the canniest of committees. The ruddy lion, we regret to say, did not ramp in gold on a single banner. The cock-a-leekie was as thin and meagre as the pawkiest son of the Land of Cakes could desire. The savage cookery of singed tups' head and trotters and haggis was a trial even to the *dura Scotorum ilia*; and neither extra accommodation nor extra policemen were at hand to secure order or even decency among some fourteen thousand people, who were kept (the majority of them) after nightfall in the doubtful obscurity of the darkening alleys and convenient courts of an establishment which may be, on such

occasions, devoted to other worship than that of heroes and poets. As poetical luck would have it, a Scotch poetess won the prize by a very indifferent poem, which had at least the merit of fulfilling the propriety of the Scotch proverb, which assigns its own fish guts to its own sea mews.

The Concert, though Miss Dolby and Miss Ransford were insulted by being placed under circumstances in which it was simply impossible for them to sing, was an affront to the public; and the Directors of the Company had the folly to attempt, by inviting the audience to chorus the songs, to turn it into a gigantic free-and-easy—an invitation which, with great good sense, they declined to accept. No real honour was done to Robert Burns' memory, least of all to his country, by a celebration in which, utterly uncalled-for as it was, it is hard to say whether the vulgarity or the stinginess was most conspicuous. In one thing alone it was a success—it eminently reflected that parsimonious aspect which its enemies assure us characterizes, as the slang of the day would say, our brither Scots. It was a festival with the feasting omitted. The only real ovation was of the great goddess Thrift; and the posthumous gratitude of one country which allowed its sweet singer to starve, and then wept over his pauper funeral, was at least rivalled by the economical hero-worship of another, which hung a tinsel chaplet on a plaster bust at a shilling gallant show.

THE STORY OF A DOUBLE MARRIAGE.

A STRANGER story than we ever remember to have met with, even in romances of the preposterous school, has been brought to light in the Court of Chancery. The narrative begins forty years ago. Mary Wall, the heroine, whom some of the witnessesses still remember as a very lovely girl, was then living under the protection of a nobleman, who visited her incognito under the name of Jones. In 1819, the projected marriage of her admirer put an end to the connexion. The noble Jones made a liberal provision for his deserted friend, and left her with an annuity and a house in Mornington-place. Up to this date Mary Wall passed under the name of Mrs. Jones, but shortly afterwards she contracted an intimacy with a person whose real or assumed name was Masters. Miss Wall, having acquired some facility in changing her name, now took that of her new cavalier, and was known to some at least of her friends and neighbours as Mrs. Masters. During this part of her career she found another lover in one John Sheppard, a journeyman jeweller, to whom she had let an attic in her house at Mornington-place. A gentleman in such modest circumstances could not aspire to the honour of a *liaison* with the *ci-devant* Mrs. Jones, and his courtship seems from the first to have aimed at a matrimonial alliance. This was the situation of affairs in the beginning of 1824—the lady receiving the visits of Masters, and Sheppard pressing on his suit. We come now to the mysterious part of the story. On the 26th of February, 1824, Miss Wall was married at St. Pancras Church, under the designation of Mary Jones, widow, to James Masters. There was apparently no concealment about the business. The bride brought home with her the certificate of the marriage, showed it to one of her friends, and carefully stored it away, to turn up, as it chanced, more than thirty years afterwards, and lay the foundation of a Chancery suit. It might have been suspected that this marriage would have put an end to Sheppard's pretensions. Instead of this, we find him two days after the ceremony visiting a lawyer, in company with Mrs. Masters, to give instructions for a marriage settlement between themselves. The settlement was executed, and on the 8th of March—just eleven days after the first marriage—John Sheppard and Mary Wall were married (so far at least as the ceremony was concerned) at St. Marylebone Church. While Mrs. Masters was spending her honeymoon in this unusual manner, Masters himself was most accommodatingly absent. He was no sooner married than he disappeared from the scene. Once, indeed, a few days after the Sheppard alliance, Masters called to inquire whether the ceremony had been performed, and having satisfied himself that this was so, departed, and from that moment no trace of his existence has been discovered. Mrs. Sheppard seems to have felt very little anxiety about the possibilities of a prosecution for bigamy. Not only had she exhibited the certificate of her first marriage, but during the many years in which she passed as Mrs. Sheppard, she kept up an intimacy with one of the witnessesses of the Masters' marriage. The jeweller and his wife lived a sort of April life together, until, at length, after the death of their only child, they took to quarrelling, and resolved to part. No one seems to have dreamed that their marriage was not binding; and regular separation articles were entered into, in which Mrs. Sheppard was recognised as a lawful wife. No hint to the contrary had ever dropped from the husband in any of their disputes; and when at length he died, a comparatively rich man, in 1845, without having made a will, Mrs. Sheppard became his administratrix, and took the moiety of the dead man's goods which belonged to her as widow. She lived twelve years a widow without a doubt being cast upon her rights; and on her death, in 1857, she left a will bequeathing nearly all her property to the children of a friend, whom she named executor, and leaving nothing to her late husband's family. The executor, however, sent some trifling memorials to some of John Sheppard's relations; and by a

curious accident, the old certificate of the marriage with Masters slipped into the parcel, and thus came into the hands of the very persons who were most interested in throwing doubts on the validity of the subsequent marriage with Sheppard. They claimed from the executor restitution of the property which Mrs. Sheppard had received as the supposed widow of their relation, and the suit of *Haviland v Mortiboy* was the result.

Every step in the evidence seemed perfect. The two marriages were clearly proved. That the Mary Jones of the one and the Mary Wall of the other were the same person was established by the handwriting, and not denied by the lady's executor. The existence of a person who went under the name of Masters, and who was on the alleged terms of intimacy with Mrs. Sheppard, was also proved. He was described as a man of the age of 40 or 50, and this was really all that could be ascertained with any certainty about him, though some of the witnesses affected to fix his station in life as a journeyman pianoforte maker. All agreed that he vanished at the time of Sheppard's marriage, but no one could throw the least light on the mystery of his disappearance.

The theory by which this seemingly conclusive case was met was scarcely less strange than the facts which the plaintiffs seemed to have proved. It was not attempted to deny the double marriage, but it was said that not only was Mrs. Sheppard the bride on both occasions, but that the bridegroom also was the same in each case. The identity of handwriting and the possession of the certificate sufficiently proved that the Mary Jones who was married at St. Pancras was the same person as the Mary Wall who was married at Marylebone. But the resemblance between the handwriting of Masters and that of Sheppard was almost as striking; and if only a plausible theory could be formed to account for the repetition of the ceremony and the assumption of false names on the first occasion, there was quite enough in the evidence to make this story at any rate as probable as the other alternative. The explanation which was offered was this. After she had lost her first protector, Mary Wall passed into the hands of some gentleman unknown, who took the false name of Masters, as his predecessor had taken that of Jones. Having become weary of the connexion, Masters, according to this theory, arranged the marriage with Sheppard. The lady, having passed under the name of Mrs. Masters, was perhaps desirous to justify her assumption of the title, and for that purpose induced Sheppard to call himself James Masters on the occasion of the first marriage. They would have the less scruple in doing this if, as was probably the case, they knew that the name of Masters was only assumed as a disguise by the gentleman who had borne it before, and that from that time forth he would never again be seen in their circle or known by the old name. The lawyer who was instructed to prepare the settlements may have suggested doubts as to the validity of a marriage under false names, and the object of assuming them having never been very serious, nothing could be more natural than that Mr. and Mrs. Sheppard should consent to have the ceremony repeated under their true appellations of John Sheppard and Mary Wall. This ingenious theory served to explain a number of circumstances which were almost unintelligible on the contrary hypothesis. The sudden disappearance of Masters was accounted for at once by the supposition that he merely dropped his false name, and withdrew from the society in which Mrs. Sheppard moved, to the higher position which really belonged to him. The apparent absence of any care to conceal either marriage, coupled with the fact that the first was never afterwards referred to by either party, can only be accounted for by making the Masters and the Sheppard of the two certificates the same person. Another difficulty was removed in the same way. It was scarcely probable that a lady with such antecedents as those of Mrs. Jones would become at once the mistress of a working man, though she might naturally enough accept one of that class for a husband. But the handwriting of the James Masters who was married—like that of John Sheppard—was clearly that of an illiterate man; and the plaintiffs were compelled (in order to retain the evidence of the register) to describe the Masters who first stepped into the shoes of Jones, then married, and immediately afterwards gave up his wife to a rival, as a person in no better circumstances than John Sheppard who lodged in the attic. The one visit by the original "Masters" to inquire whether the marriage with Sheppard had been solemnized, was, on the defendant's theory, the most natural thing in the world, instead of being one of the most extraordinary acts that any human being ever did. Nothing more absurd can be imagined than a man calling on the wife whom he had married a fortnight before, to leave a card for her, with the polite inquiry whether she had since got married to another person. If anything could be more strange, it would be that the husband, on receiving a reply in the affirmative, should quietly retire—that the wife should carefully preserve the record of her double marriage—and that the second husband should never, even when resolved on separation, venture on the slightest reference to the fact that he was bound by no legal tie to the woman who passed as his wife.

Extraordinary as the story is in any view, there seems little room to doubt that, either for the reason suggested, or from some motive which cannot now be discovered, Mr. and Mrs. Sheppard were twice married under different names. So at least the

Chancellor has held. But though, in the end, Mrs. Sheppard's two marriages have proved as effectual as the single ceremony which is quite enough for most persons, the risk and trouble to which the legatees have been exposed will supply one more illustration of the maxim that there may be too much of a good thing.

REVIEWS.

ROBERT BURNS.*

OF the English visitors to the Crystal Palace on Tuesday last, perhaps one in ten will have known that "Scots wha hae" and "Auld Lang Syne" were written by the hero of the day. If one in five hundred has looked into Burns's works, and one in a thousand has appreciated their merit, the multitude will have been leavened with literary taste in a very unusual proportion. The few competent judges feel and know that Burns was one of the greatest lyrical writers of all time, and that he displayed in a degree seldom equalled the rare gift of poetical humour; yet it is impossible that he should be really popular in England, for the simple reason that his language was not English. The genuine enthusiasm of the Lowland peasantry for the kindred poet who used their mother tongue is the true measure of the barrier which intercepts the entire enjoyment of the Southern reader. It is not difficult for a student to familiarize himself with the inflexions and distinctive terms of the Scottish dialect; but the native accent, the inseparable associations, the delicacies of allusion and of satire, necessarily escape the notice of the foreigner. The mere effort which is necessary for the adoption of an unfamiliar tone and pronunciation is inconsistent with the flow and abandonment of such poetry as that of Burns. The poet himself, when he occasionally adopted the conventional English style, wrote like a pedant or a schoolboy, though he must have had abundant opportunities of acquiring the language both from books and in the intercourse of society. Englishmen, on the other hand, although they read Scott, and Burns, and Wilson, have few facilities for mastering a provincial dialect which has no general literature of its own. A large number of educated men perhaps understand Béranger better than Burns, because the French language has been used by a long succession of great and popular writers. All persons who have enjoyed the pleasure of literary conversation with patriotic Scotchmen are aware that it is desirable to avoid the topic of their favourite poet, on account of the impossibility of exactly hitting the level of admiration which they assign to the ignorant Southron. Any appearance of scepticism meets with an indignant reproof, while earnest professions of admiration are received with the same suspicious reluctance which the Jewish Synagogue of London may have displayed when Lord George Gordon offered himself as a proselyte. According to the national creed, Englishmen are bound to believe in Burns, but their conviction must be the result of implicit faith in authority, aided at most to a partial extent by a hesitating judgment. Mr. Milnes and Mr. Tom Taylor were admirably qualified to classify the encomiastic poems which were offered at the shrine of the poet; but their able colleague, himself a successful writer of English verse, would have been entitled by indigenous right to a monopoly of appreciation if Burns himself could have been a competitor for the Crystal Palace Prize. It may be incidentally remarked that the badness of the rejected poems, as measured by the extraordinary feebleness of the successful composition, must be unexampled.

According to Lord Cockburn, the Lowland dialect is the richest, the softest, and most musical of all Teutonic forms of speech, and even a stranger can perceive that it possesses some of the qualities which especially adapted it for vocal poetry. The numerous vowel terminations which belong to the language, in addition to those which are apparently used by the poet at his discretion, smooth the flow of an easy lyric, although they would be incompatible with the strength and dignity of more ambitious metres. Like all oral languages, Lowland Scotch is sensuous, and free from general or abstract terms, and in its literary form it has been cultivated exclusively for imaginative purposes. The Scotch ballads are, in their pathos, their humour, and their narrative, the best and most various which exist in the world; nor is it easy to understand how the same dialect could have been so soft, so gay, and so expressive in verse, while it embodied in most repulsive and barbarous prose the congenial legislation of the Scotch Parliament and of the various ecclesiastical legislatures. The speeches of the Ettrick Shepherd in the *Noctes Ambrosianae* are, according to Lord Cockburn's judgment, the most successful attempts to draw out the resources of the Lowland dialect; and the study of those extraordinary productions will satisfy any impartial critic that the genuine Doric is not to be imitated by the process of writing *beastie* and *breastie* instead of *beast* and *breast*. Lord Brougham's gallant attempt to prove that Scotch is not a provincial dialect because it is full of Saxon terms, would apply equally well to the vernacular of Yorkshire or of Somersetshire; nor is it material to the question that the Law Lords have learned to understand the fascinating phrases of "intromitting, condescending, and multiplepointing." It is,

* *The Works of Robert Burns.*

in a certain sense, a cause for regret that a great poet should have written in a provincial dialect which will probably by degrees disappear even from the district to which it belongs; but the causes which tend to limit the popularity of Burns, and to give an artificial character to his fame, exercised no prejudicial influence on the development of his genius. It may be doubted whether his songs would have been written if he had not been born in a land of ballads, and trained from infancy to the use of the language in which they were composed. Like Béranger, who was scarcely his equal, and Moore, who was in every way his inferior, Burns hummed the popular tunes before he fitted them with words, which in their turn were often suggested by some immemorial ballad. The burdens of all the best of his songs are ancient and anonymous, and it will seldom be found that the variations of the modern poet rise above the key of the traditional theme. His genius was never more fully displayed than in the adaptation of thoughts of his own to some traditional and suggestive melody, as in the few and perfect stanzas of "Auld Lang Syne." The old chorus suggests the regretful attempt to revive the associations of the past—

For auld lang syne, my dear,
For auld lang syne,
We'll tak a cup o' kindness yet
For auld lang syne.

But it is the poet who works out the contrast between the home affections of childhood, and the separations, if not the estrangements, of independent manhood—

We twa hae run about the braes
And pu't the gowans fine,
But we've wandered mony a weary foot
Sin auld lang syne.

We twa hae paidled i' the burn
Frae mornin sun till dine,
But seas hae braid between us rolled
Sin auld lang syne.

In some songs the superiority of the original outline to the modern supplement is conspicuous and undeniable. A hundred song writers could have strung together the commonplace rhymes—

Fair and lovely as thou art,
Thou hast stown my very heart,
I can die, but canna part
My bonnie dearie.

Yet these lines are adapted to one of the most graceful burdens of the ballad literature of Scotland:—

Ca' the yowes to the knowes,
Ca' them where the heather grows,
Ca' them where the burnie rowes,
My bonnie dearie.

But although, like other poets, Burns is unequal and sometimes flat, his fancy and tenderness place him far above all song writers who have used any form of the English language. The wonderful variety and freshness of his love songs would alone have justified the popular estimate of his genius, and although, in some instances, his descriptions are somewhat too definite for the requirements of modern delicacy, no poet was ever more guiltless of deliberate or systematic encouragement of vice. His own half-apologetic depreciation of the practice which he calls "the illicit rove," is at the same time sincere and touching:

I wae the quantum o' the sin,
The hazard of concealing;
But oh! it hardens a' within,
And petrifies the feeling.

The tipsy jollity of his many well-known drinking songs requires little apology. If it is wrong to violate the rules of abstinence, and to encourage the use of alcohol, a graceful and musical accompaniment can scarcely aggravate the enormity of the crime. It was only the other day, moreover, that some ingenious Temperance poet appropriated "Auld Lang Syne" by filling the cup of kindness with buttermilk or soda-water; and on the same principle Willie may be represented as having "brewed an ounce of tea," for the purpose of enabling himself and his friends to repeat with literal truth the familiar burden, "We are na fou."

As became a man of original genius, Burns selected the materials for his satire from the manners and characters with which he was himself acquainted, and it is therefore not surprising that some of his humour should be unintelligible to remote readers, who have little desire to comprehend the scandal of obsolete Kirk Sessions in Ayrshire. When he deals with more popular topics he shows himself a master of that highest form of satire which implies a mixture of imaginative sympathy with the object of ridicule. The famous "Address to the Deil" could only have been written by a poet who had learned in infancy to partake the superstitious terrors and pleasures of his unsophisticated neighbours. Nothing can be more admirable than the zest with which all the ordinary nicknames are accumulated on the ill-favoured author of evil—

Oh thou, whatever title suit thee,
Auld Hornie, Satan, Nick, or Clootie—

who in the next stanza is implored under the name of "Auld Hangie" to "wait a wee." The identification of the Prince of

the Powers of the Air with the subtle demon of internal motives and temptations rises into a higher strain:—

Whyles ranging like a roaring lion
For prey, a' holes and corners tryin',
Whyles on the strong-winged tempest flyin'
Tirling the kirks.
Whyles in the human bosom pryin'
Unseen thou lurks.

The poet's personal experience is confined to a more unpretending manifestation of the demon, who indeed, could only have been identified under so simple a form by a vigorous exercise of faith or of fancy:—

Ae dreary, windy, winter night,
The stars shot down with skentlin light,
Wi' you, mysel', I gat a fright,
Ayont the lough,
Ye like a rash-buss stood in sight
Wi' waving sough.

The cudgel in my nieve did shake,
Each bristled hair stood like a stake,
When wi' an eldritch stour, quack, quack,
Among the springs
Awa ye squallered like a drake
On whistling wings.

The concluding stanza is justly admired for the playful caprice of tenderness, which is suggested by the inconsistency of humorous railing with serious bitterness of feeling—

But fare you weel, auld Nickie-ben—
O wad ye tak a thought and men—
Ye aiblins might—I dinna ken—
Still hae a stake—
I'm wae to think upon yon den,
Even for your sake.

A particular exploit of the same popular potentate derives additional interest from the attack on an invaluable public servant, who held the same rank with the poet himself in the department of Inland Revenue—

The deil cam fiddlin' through our town,
And danced awa' wi' the Exciseman,
While ilka wife cried, "Auld Mahoun,
I wish ye joy o' the prize, man."

It is not surprising that the poems which are most generally quoted and applauded should be those which are least characterized by the true genius and originality of Burns. "Scots wha hae" is superior as a poem to the miserable doggerel of "God save the Queen" and "Rule Britannia," and when sung sufficiently loud, with suitable accompaniment, its prosaic elements may be forgotten in its patriotism; but no high power of imagination was required for a composition which rises but little above the level of the noisy Marseillaise. The "Cotter's Saturday Night" is universally and naturally esteemed by religious families of all denominations; but the poem is characterized rather by fidelity and amiable sentiment than by melody or elevation. The record of the mother's skill in making "auld claes look amais as weel's the new," comes home rather to the sympathies of a thrifty housewife than to the feelings of an enthusiastic admirer of poetry. The best lines in the poem describe the sagacity of the good woman in interpreting the shyness of the young visitor to her house:—

The mother, wi' a woman's wiles can spy
What makes the youth sae bashful and sae grave.
Weel pleased to think her bairn's respected like the lave.

Perhaps "Tam o' Shanter" was Burns's noblest effort, and although many works of a higher order have been written, it may be doubted whether any existing poem is more original or more perfect of its kind. Comic imagination is one of the rarest of human gifts, and in "Tam o' Shanter" the unflagging gaiety of the description and liveliness of the story never approach the confines of prose. Perhaps the weakest lines in the poem are contained in the passage which is commonly quoted as the most beautiful, because it most nearly deviates into standard English and commonplace. Several contemporary writers were capable of comparing pleasures or any other transient things to snow in a river, to the bloom of a flower, to an Aurora Borealis, or to the rainbow's lovely form, "vanishing amid the storm," but Burns alone could have recounted the characteristic and conciliatory warnings which the reprobate hero had received from his anxious wife:—

Oh Tam, hadst thou but been sae wice
As taen thy ain wife Kate's advice!
She tauld thee weel thou was a skellum,
A blethering, blustering, drunken bellum;
That frae November till October,
Ae market day thou was nae sober;
That ilka melder, wi' the miller,
Thou sat as lang as thou had siller;
That every naig was ca'd a shoe on,
The smith and thee gat roaring fou on.

With other not less merited reproaches, which appropriately introduce the poet's expression of regret—

Ah, gentle dames! it gars me greet
To think how many counsels sweet,
How many lengthened sage advices
The husband frae the wife despises.

There is a grand lyrical roll in the description of the storm—

The wind blew as 'twad blawn its last;
The rattling showers rose on the blast;
The speedy gleams the darkness swallowed,
Lang, deep, and loud the thunder bellowed—
That night a child might understand
The Deil had business on his hand.

The catalogue of the different stages in Tam's haunted ride is admirably appropriate and impressive—

By this time he was cross the ford
Where in the snaw the chapman smooored,
And past the birks and meikle stane,
Where drunken Charlie brak's neck bare,
And through the whins, and by the cairn,
Where hunters fand the murdered bairn,
And near the thorn, aboon the well,
Where Maggie's mither hang'd hersel.

But a quotation of all the striking passages would amount to a complete copy of the poem. It would have been more creditable to Tam o' Shanter to have spent his evening with the respectable household of the "Cotter's Saturday Night," but for poetical purposes he was perhaps as advantageously engaged in riding from market past the haunted kirk.

The lady who wrote the Crystal Palace prize poem about an ideal poet, who was something between a king and martyr, may easily be excused for not having known or not having appreciated the most characteristic of Burns's writings; but it is provoking to read orations in honour of the patriot who wrote "Scot's wha hae," the democrat of "A man's a man for a' that," and the imitative versifier who now and then condescended to write pompous scraps of English in honour of "Scotia," and similar abstractions. Instead of exhorting after-dinner audiences to admire the sensibility of the man who wrote this, and the independence or patriotism displayed in that passage, a competent eulogist would speak of the prodigal fertility, the happy audacity, and the consummate humour of the genial and manly poet. Yet it is fortunate that provincial vanity and prejudice furnish an additional preservative to the memory of Burns, and it is satisfactory to discover that trading caterers to the public appetite for amusement find his name a profitable advertisement for their commercial speculations.

LADY MORGAN'S DIARY.*

LADY MORGAN has ventured on a dangerous experiment. She has published a diary, with some letters which she wrote, and a great many notes which she received, during a few months' stay at Paris forty years ago. She lays before a generation which knows nothing and cares nothing about the persons and subjects of whom she writes, materials which have to her the charms of association, and the value of keepsakes of the time when she was young, flattered, and courted. There never was a more remarkable instance of an author failing to see the difference between things of private and of public interest. Nearly half the volume consists of notes of invitation and compliments addressed to Lady Morgan from Paris acquaintances. Naturally, these notes had value in the eyes of a woman who honestly owns that she delighted in every form of flattery, and who treasured up every mark that could assure her that she was celebrated among Parisian celebrities, and petted by people of indisputable rank and magnificent titles. But these notes are absolutely without any value whatever to the general public, which never knew one name in ten of the senders.

In her preface Lady Morgan assures us that the notes are genuine. To her it is a great thing to have the autographs, both to assure herself that she was once made so much of, and because there are always people who prize autographs even of persons who are very little known to fame. But the public does not get the autographs, but merely printed copies of them; and the volume in a great measure resembles one which might be published by a collector of letter covers in the days of franking. If a hundred of these covers were now printed, and the person who gave the printed volume to the world were to claim the gratitude of the public for placing such interesting mementoes of a bygone generation before it, the parallel to a considerable portion of Lady Morgan's *Diary* would be close. We will extract a specimen, as, without an actual instance, it might be supposed impossible that an authoress who was once a favourite with the public could really publish matter so absolutely without interest. The following five notes are inserted at page 223 without prelude, interruption, or justification, and for no other conceivable reason except that Lady Morgan believes that every one must like to read them now, because forty years ago she was very glad to get them:—

Paris, Monday, 29th.

The Duchess of Devonshire returns Lady Morgan the first volume of *Florence Macarthy*, knowing how anxiously it is expected, and returns her many thanks for the second volume, which she wished very much for. If it is possible, the Duchess will call upon Lady Morgan on Wednesday, but she has already two engagements with Madame Becanier for that evening. The Duchess hopes to see Lady Morgan again before she leaves Paris.

* *Passages from my Autobiography.* By Sydney, Lady Morgan. London: Bentley. 1859.

From M. Talma to Lady Morgan.

Tuesday morning.
Here is indeed, my lady, an unlucky obstacle, which deprives me of the advantage of passing the evening with you to-morrow! I am obliged to go to Versailles to play "Hamlet," and I cannot possibly put off this representation to another day. I am much vexed at this disappointment, which I sincerely regret. I shall have the honour of seeing you on the Wednesday after, if that should accord with your arrangements. I beg you, my lady, to accept the homage of my profound respect.
TALMA.

From M. Jouy to Lady Morgan.

Tuesday morning.
I have the honour to salute Lady Morgan, and to send her the short note of reply I have received from Talma. I cannot say, whether, in his present state of mind, we can reckon him for the *soirée*. Perhaps it would be desirable in her ladyship to write a line to him, putting off the party to the following week. I beg to offer my respectful salutations.
JOUY.

Note from Talma, enclosed in the foregoing.

My dear Friend,—I will do all in my power to wait on Lady Morgan on Wednesday next. But my affairs are *empirés* since yesterday. The company are behaving shamefully. I sent for some dresses to my room, and they objected to anything being taken out. Heaven knows what I may have to do on Wednesday, or whether my head will be in its right place.—Ever yours,
TALMA.

From Baron Gérard to Lady Morgan.

Paris, Monday.
I hasten to acquaint Lady Morgan that it is on Thursday we shall have the honour of receiving her and Sir Charles. I beg her ladyship to accept the expression of high esteem with which I have the honour to be her obedient servant,
F. GERARD.

Besides notes of this kind there is a diary in which at intervals Lady Morgan wrote an account of her parties, and there are some long letters, answering the purpose of a diary, which she sent off to her sister in Ireland, to proclaim the social triumphs that were delighting her. The diary, in many respects, reminds us of Moore's journal. Both writers were Irish, both got into high society by their books, and both thought that so true a paradise had scarcely ever been won by mortals. The revelations of private circumstances are also curiously the same, and both confided to their patient journal-book copious confessions of the anxiety they felt to screw a little more out of their publishers in order to be smart in good company. They had also each a strong family affection, and a respect and love for their partners in life. All the ladies are fondly recorded to think Sir Charles Morgan handsome, and all the men to think him profound, just as Moore's Bessy was always recorded to have had her little success when she consented to go out. The view of life is throughout amusingly the same. An honest liberalism, but one that shall soon meet with the reward of social applause, is the basis of serious effort; and a general coquetry with a rich, dinner-giving, high-sounding world is the business of lighter hours. But, to say nothing of the different abilities of the two, Moore gains most strikingly by being a man. There are flights of self-glorification, there is a prolixity of vanity, on which a man never ventures. He cannot plead that all his nonsense is only pretty Fanny's way. He knows that a male writer must have a certain show of well-bred reserve if his book is a description of society, and is to go down with other men. Less restraint is imposed on a woman, and Lady Morgan uses the privilege of her sex. Still, it must be remembered that her power of resisting vanity was tried most severely. She had recently written her book on France, when she went to Paris; and as this book was considered to be very sharp on the existing Government, and as that kind of work was much newer than it is in these days, she was received as a benefactress of her species and a light of the world by the circles of the discontented among which she moved at Paris. Her wit was cried up, she was told she was charming, she was literally the idol of the hour. No wonder her head was turned, as she most freely confesses it was. Nothing indeed can be said against her that she does not say herself. But she tells us repeatedly that it is only her way. The precise epithets she applies to herself on one occasion are "flimsy, fussy, and flirty;" but she hastens to assure us that the valuable qualities indicated by those adjectives have procured her the reputation of being "such a talented creature." Nor could any one criticise severely these ebullitions of self-complacent gaiety, if their expression had been confined within the bounds of a family circle, and had come fresh from an artless pen. It is their publication after the lapse of so many years that fills us with astonishment.

We look in vain in Lady Morgan's volume for any hints that give a new or a more vivid notion of the society of Paris at the time she was there. She mentions having met several persons of eminence—Humboldt, La Fayette, Constant, Dénon, and many others; but she has nothing to tell of them, except the compliments they addressed her. Of course, however, she was struck by the more salient features of the society she was in. There was the whispered Liberalism meant to annoy the Court rather than pledge the speakers which ran through the Opposition drawing-rooms, and there was an affectation of revived Catholicism and prudery in those of the Court party whom Lady Morgan met in public places. At the opening of the Chambers, she tells us that she sat next a very great lady, who read her "*Heures*" all the time. To compensate for the suffering which this spectacle of devotion inflicted on her, she had the satisfaction of seeing a little drawing-room ceremony of crowning Voltaire's statue. His bust was placed on an "altar," and near the altar was placed Madame de Villette, Voltaire's adopted daughter, in Voltaire's own fauteuil.

Mademoiselle Duchénois, the actress, stood before the bust, and recited an ode to Voltaire's memory, and then crowned it with the same wreath with which Clairon had crowned it in 1787. This was all got up to finish off an evening, when some ladies, and Lady Morgan among them, had been made free-masons. Six pages of small print are devoted to a copy of a foolish document, which described in masonic French how Lady Morgan was made "a sister of adoption of the great Scotch lodge, belle et bonne, of the Garden of Eden, on the side of the East." Probably, however, Lady Morgan would not have printed all this nonsense, nor given us the minutest particulars of this silly fête, if she had not considered them introductory to the mention of the gratifying fact, that the proceedings included a "very eloquent oration," returning thanks to the many celebrated and literary characters who had graced the meeting, and that in this oration she was addressed as "*illustre Anglaise*."

Sometimes accident carried Lady Morgan among a very different set of persons—among persons of whom we should have been very glad to hear if she had had anything to tell. But they were not fashionable, and would not flatter or flirt with her, and so she could not or would not get on well with them. These were the *doctrinaires*. Lady Morgan records how on one occasion she proceeded with a man whom we may guess to have been the most famous of the party. "I sat silent till I was tired, and then I suddenly invoked the attention of a Calvinistic-looking gentleman who sat beside me and who had hitherto preserved a rigorous silence. 'Monsieur,' said I, 'osc-je vous demander quelle est la religion à la mode à Paris maintenant?' Il me toisa: and then came a long-drawn 'Comment, madame.'" Her neighbour had the politeness or the want of sense to answer her seriously, and, as she says, "gave her a lecture far too clever for her to reply to, and too long for her to register." Perhaps he too had heard she was an *illustre Anglaise* who wrote wonderful books, and discussed every French subject with equal ease, and in his simplicity he thought that she would care to hear and strive to profit by the remarks on a grave subject of a man who had thought and studied. He quite mistook his woman. He should have sent her three lines of unmeaning flattery in a note, and she would have treasured up his autograph, and ultimately printed his note as a document of the highest order of importance and interest. To take an opportunity of gaining real instruction was not at all in her line. We are glad, however, to add for the credit of husbands that, as she tells us, she was "well snubbed" by Sir Charles Morgan when she got home for her "flippant nonsense."

A mixture of flippant nonsense and notes of invitation—nonsense and notes equally referring to things long forgotten, and to a generation that has passed away—is weary reading. We regret that Lady Morgan has been so ill-advised as to publish this diary, and impose on critics the ungracious task of saying what rubbish it is. Fortunately the volume contains some long letters from Lady Charleville, a woman of strong sense and high feeling, and a good letter-writer. Perhaps even her letters are not intrinsically worth publishing, but they are so welcome a relief after the average contents of the volume that they seem doubly good placed as they are. Lady Morgan's own portion of these pages can have no other effect than that of making us rejoice that there is no successful Irish authoress of the present day to receive and treasure up the homage of current society, and hereafter to drag out her store of faded compliments, and her hoard of dual invitations, for the benefit of the public of the twentieth century.

THE HISTORY OF BRITISH JOURNALISM.*

THE trouble of writing, and the expense of publishing a book, so greatly exceed the sacrifice involved in looking at it when it arrives from the circulating library, that the appearance of a history of the Newspaper Press may probably be accepted as a proof that a certain number of readers will take more or less interest in the subject. Mr. Andrews has displayed creditable industry in the collection of materials for his work, and if his own reflections and criticisms are not uniformly profound or original, they are, on the whole, characterized by good sense and right feeling, although the style is occasionally vulgarized by the conventional phrases of the Cockney school. There is no more singular excrement arising out of English civilization than the literary class, which consists of some of the most illiterate members of the community. The nucleus of the profession was formed by one or two successful writers, who, combining an entire ignorance of books with a curious incapacity to observe the realities of the world, have possessed sufficient creative power to render the melodramatic farce which they substituted for actual life, amusing, pathetic, and popular. The disciples copy with easy fidelity the numerous defects of the masters—

To which, of their own store,
They superadd a few essentials more;

and the true character of modern Cockney literature can only be fully appreciated in the productions of authors who are as incapable of invention and of humour as they are innocent of study and devoid of practical experience. The peculiar style of the

school is distinguished by a feebly monotonous effervescence, as if a persevering experimentalist were always dropping pinches of soda into successive libations of sour small beer. Ineptly sarcastic, gratuitously rhetorical, alternately plaintive and funny, the professional writer of light literature is constantly misusing those exceptional figures of speech which never disturbed his youthful equanimity with their long and crabbed Greek names. Objects and abstract terms are personified, while the persons of a narrative are generally addressed as if they were present, and always, in defiance of common English usage, designated by their Christian names. Perhaps the oddest characteristic of the Cockney style consists in the perverse manipulation of verbs when the present tense is used for the past, and the future for the present. The fiction that some event of former times is passing before the eyes of the contemporary student may occasionally be justifiable; but, on the whole, the laws of nature and of grammar have provided that by-gones should be by-gones, and that Queen Anne should be acknowledged as dead, and not described as perpetually dying. Still less necessary is the transformation of the truism that different men have different opinions into the graphic statement that one man shall earnestly cling to one conviction, while his neighbour shall intensely identify his consciousness with the opposite persuasion. The expression, however, of a non-existent meaning is so unnatural a process, that it is not surprising if the rules of language become disjointed when they are no longer connected with the necessary laws of thought.

Mr. Andrews has sufficient intelligence and industry to enable him to earn a respectable place in literature, and he will do wisely in emancipating himself from the influence of a coterie of which he has unconsciously adopted the dialect and the traditions. In an account of a trial for libel before Baron Wood, after stating with unnecessary rhetoric that "Sir G. Wood, one of the Barons of the Exchequer, is the presiding judge," Mr. Andrews finds, in a partial and violent charge to the jury, an occasion for an eloquently satirical commentary:—

With such a charge ringing in their ears, which brought Bonaparte into their homesteads, and French wolves into their folds—with such a dismal picture held up before their eyes, of a disaffected soldiery, and an army in revolt, what course could a poor benighted jury of farmers pursue? Could the agricultural mind stand up against "his lordship's" stored with such lots of learning; or would the squire, who happened to be on the jury, and loved his wine and the chase, and cared not to see a paper from year to year, but damned all reading and writing as a bore and mere school-girl's occupation, array himself as a champion against the judge with whom he hoped to crack a bottle? Nay, might there not be a glimmering upon the rustic understanding, when mail coaches were few and railways were not, &c. &c. &c.

In other words, the jury found the defendant guilty, and the tirade against squires is as irrelevant to the trial as to the history of newspapers. If writers of the literary-man species would inquire of any competent authority, they might ascertain that squires never sit on petty juries, that jurymen crack no bottles with judges, that "the chase" is not the English term for field sports in general, and that country gentlemen seldom correspond to the top-booted type presented to Londoners by those faithful guardians of tradition who instruct "the town" in the minor theatres. Mr. Andrews is not even aware of the light which is thrown on his own literary training and associations by the use of the obsolete phrase which once approximately described the active portion of society. The first publication, at a particular time, of a certain forgotten newspaper, might be recorded without the startling statement that "the Aurora blazed upon the town." In modern times, the relation of "the town" to London society is far more insignificant than the proportion of the City to the metropolis of which it forms the twentieth part.

When Mr. Andrews forgets the duty of fine writing, he is sufficiently rational and intelligible; but it is scarcely to be expected that he should discard the conventional twang in recording the transient connexion of the daily press with the great hierarchy of his sect. It is well known that Mr. Dickens failed in the experiment of editing a newspaper, and his ready perception that he had miscalculated the bent of his genius does credit to his modesty and good sense. The process by which the narrative of his discomfiture is twisted into a compliment may be considered rather characteristic of a peculiar school of composition than successful in its immediate object:—"It had been discovered that the brilliant sketching pen of Dickens was not yet blunted enough to be steeped in the gall of political writing—that the steel was too true and too highly tempered to carry the envenomed fluid, which ran off it like limpid water, and made the leading articles simply wishy-washy." That the absence of general knowledge, of historical acquirements, of political opinions, and of the habit and power of reasoning, should make leading articles wishy-washy, is not so surprising as that the zealous historian of the newspaper press should reduce the proper function of journalists to the emission of an envenomed fluid. The pen which wrote the satirical parts of *Little Dorrit* was blunt enough, if that condition is necessary before such an instrument can be steeped in gall, although it was still so highly tempered that the poison ran from it in the form of not very limpid water.

It might have been expected that the author would affect a fanatical devotion to the license of the press, as well as a reasonable zeal for the liberty which it enjoys; but notwithstanding his occasional adoption of the language of a clique, Mr. Andrews is capable of expressing an honest and independent judgment in appropriate terms. Perhaps the most amusing parts of his book consist in the records of the extravagant pretensions by which

* *History of British Journalism, from the Foundation of the Newspaper Press in England to the Repeal of the Stamp Act in 1855. With Sketches of Press Celebrities.* By Alexander Andrews, Author of "The Eighteenth Century." London: Bentley. 1859.

the seditious writers of former times provoked the suspicious jealousy of Governments and of Courts of law. Mr. Andrews seems to appreciate the eloquence of a proclamation by "Citizen Hetherington," that he would refuse obedience to the tyrannical laws which "George Guelph" affected to impose upon him without his own consent. The freedom of the press has happily ceased to excite enthusiasm, because it has been established beyond the reach of controversy. The unlimited right to print mischievous lies could never have been claimed except under cover of a struggle for the power of publishing useful or harmless matter with impunity. Those who are curious of such details will find in the *History of British Journalism* a tolerably impartial account of numerous prosecutions and actions for libel.

It is perfectly right that the old story of the Commonwealth *Mercuries* and *Flying Sheets* should be re-examined and related at suitable length, but the majority of readers will probably incur the just reproof of the author by "hurrying on to the present leviathan sight which the press exhibits, caring too little for those which lay by the wayside of the past." There is also some danger that, pausing by the wayside of the present to investigate the anatomy of the contemporary leviathan, inquirers may be disappointed by the unwillingness or inability of the exhibitor to point out the bones and tissues of which it is actually composed. "The Press of England being by general consent, as well as by the desire of its conductors, worked behind a screen, it would be as far from our province as from etiquette to attempt to raise the curtain for the gratification of inquisitive minds." Perhaps it would be more accurate to say that the screen is not transparent, or that the curtain is too heavy to raise, for Mr. Andrews, though he is unable to penetrate the real mystery of the Press, mentions thirty or forty names of living writers, with full particulars of their alleged connexion with various newspapers. It is difficult to say whether the information which he has collected on the subject is more correct in any other instance than when he states that "Coventry Patmore, the Quaker poet, was in 1833 the editor of the *Court Journal*, a fashionable newspaper." Mr. Patmore will be surprised at his own precocious entrance into the profession of journalism, as well as at his affiliation to the Society of Friends; but it may be conjectured that, through some imaginary similarity of names, the author of *The Angel in the House* has been confounded with the late Mr. Bernard Barton. That an intelligent and indefatigable inquirer should have failed to discover the names of nearly all the principal contributors to the public journals is a surprising and unexpected proof of the possibility of keeping a conventional secret.

The organization of a great newspaper establishment is a remarkable result of practical ability profiting by accumulated experience, but an account of the progress and development of the system is as tedious as a history of the iron manufacture or of the cotton trade. A readable narrative must include matters of more human interest than tables of figures which represent the successive numbers of copies and of advertisements; and although newspapers, like power-looms, may not have sprung into existence of themselves, the names of their obscure founders and managers are deservedly forgotten. Mr. Perry's name is still known in consequence of his connexion with the old Whig party; Mr. Stuart enjoys a parasitic fame as the employer of Coleridge and of Mackintosh; and the late Mr. Walter exhibited an effective sagacity in the conduct of his business which places him on a level with the Arkwrights and Boltons of manufacturing history. It would not be worth while to extend the list of able editors and spirited proprietors. Successful men of business must be contented to make their own fortunes and to benefit the world at large, without desiring the supererogatory reward of posthumous fame. When the gods, in Schiller's apologue, had given away the earth and the sea, they reserved the barren sky for the portionless poet; and ever since, the lightest touch of genius, the smallest act which indicated inherent greatness, has been found to retain its place in the memory of men long after capitalists and mechanical inventors have joined the multitude of the dead, *abierunt ad plures*. The clever lecturer who employs himself in diffusing information on the mechanism of watches probably finds the attention of his audience flag when he attempts to delineate the qualities and virtues of deceased generations of watchmakers.

The combination of political and literary essay-writing with modern journalism is to some extent external and accidental. Periodical publication, though it is convenient both to authors and to their readers, is not essential to criticism, nor are leading articles necessarily inseparable from the news which forms their principal subject. Nevertheless it is of the utmost importance that the comments of journalists should be checked by the fullest information as to all public transactions, and especially by the accurate reports which do so much credit to English newspapers. The danger of a cheap press consists less in the circulation of erroneous opinions than in the deterioration of the machinery by which intelligence is collected from all parts of the world. If the daily papers of London should become unable to employ competent correspondents abroad and educated reporters at home, future historians of British journalism will have the melancholy task of recording its degeneracy and decline. The great superstructure of popular information rest on the narrow basis of three or four high-priced daily papers, which, for the most part, have little share in the vast circulation of the journals which they gratuitously supply with matter. There is reason to believe that only one of the original daily newspapers is largely profitable; and the de-

cease of its few remaining rivals would leave no security for the maintenance of the present standard of journalism except the enterprise and patriotic spirit of the proprietors of the *Times*. Mr. Andrews suggestively remarks that among the cheap papers which have attained the largest circulation "there does not occur the name of one leading paper." It may be gratifying to find that the calmest of these journals are also the most popular, but the wide diffusion of harmless entertainment and superficial instruction will offer but a miserable substitute for the higher functions of the English press. "The list of our public journals," says their enthusiastic chronicler, "is a proud and noble list—the roll of an army of liberty," &c.—a police—a sentinel with watchfires which "form a chain of communication with freedom wherever it exists." "For good or for evil the Press must go on now—no power on earth can arrest it." Unfortunately, the power which is enthroned in Basinghall-street will suffice to arrest any enterprise that does not pay; and in France an eloquent press has been effectually arrested by the simple application of superior force. The Assembly elected by universal suffrage made anonymous journalism illegal—the President elected by universal suffrage annihilated the remaining liberties of the press. The demagogues who are at present attempting the overthrow of the English Constitution have repeatedly denounced the writers of newspapers with the fiercest intolerance. The influence of the press will perhaps be the most trustworthy safeguard of freedom as long as the principal journals maintain their present character; but an institution which stands alone in the world may not be exempt in England from the causes which have deprived it of freedom on the Continent and of dignity in America.

MASSON'S LIFE OF MILTON.*

WE have before us the first of three long-promised volumes—a bulky tome of nearly eight hundred pages. The subject is one which demands no small space for its fitting treatment. Indeed the programme in the title-page gives us several subjects combined—each of them affording a theme for copious illustration. First, there is the personal history of the poet, for which there exists an unusually large store of material. Then there is the history of his time, extending from 1608 to 1674, embracing a great crisis in the political and ecclesiastical constitution of England, the fall and restoration of the Monarchy and the Church, and the great European convulsion called the Thirty Years' War—and in its literary aspect commencing with the close of the Elizabethan age, and ending with the dawn of that new epoch which culminated in "the Augustan age of Anne." Moreover, two hundred pages of the volume before us are devoted to a topic which cannot be classed under any of these heads—viz., an account of the University of Cambridge as it was constituted in the early part of the seventeenth century, and, more in detail, a narrative of its history between the years 1625 and 1632.

For the purposes of the critic, the work divides itself into two parts—the one antiquarian, the other historical and literary. With regard to the first part, he who would pass a judgment must be prepared to go over the same ground with the same minuteness as the author himself—to verify his references and compare his evidence. The perusal of the book has, however, left upon our mind a conviction of the entire trustworthiness of the author, of his indefatigable industry and his conscientious spirit. He has spared no pains in ransacking old libraries, family papers, and parish registers. He has tracked his hero from house to house, from town to town, and has investigated the career of every man whose path in life even once crossed, or for ever so short a time coincided with, that of Milton. This part of the work is done in the spirit of Anthony Wood, or of Wood's modern Cambridge rival, Mr. C. H. Cooper, and might be called *Athenæ et Fasti Miltonenses*.

The earliest of Milton's biographers is John Aubrey, who, six years after Milton's death, sent to Anthony Wood minutes of his life (among others), consisting of information derived from the poet himself, or from his relatives, and which formed the basis of the memoir included in Wood's great work published in 1691. For Milton, we may remind the reader, having been "incorporated" as M.A. at Oxford, was entitled to a niche in Wood's temple of fame. Another memoir was prefixed by Milton's nephew, Edward Philips, to the *Letters of State* published in 1694. Toland, and the Richardsons, and more recently Warton and Todd, and, of still later years, Mr. Hunter, Mr. J. T. Marsh, and various correspondents of *Notes and Queries*, have all contributed new facts to swell the stock of materials; while Johnson, Symmons, Mr. Edmunds, Mr. Mitford, Mr. Keightley, and many others, have reviewed what material they respectively had, each according to his own *Standpunkt*. To collect new information, to bring into one focus all the information before available, and to rectify and revise the judgments of former writers—all this forms part of the task undertaken by Mr. Masson. It does not appear that his researches in the libraries and registers of Oxford, Cambridge, Horton, &c., have produced any new fact of importance directly bearing upon Milton's life; but the care

* *The Life of John Milton: narrated in connexion with the Political, Ecclesiastical, and Literary History of his Time.* By David Masson, M.A. Cambridge: Macmillan and Co.

which he has bestowed upon the search indicates the spirit in which he has set about the work, and gives the reader confidence in his general accuracy. Feeling, of course, that the most authentic information respecting an author's life is that which is to be gleaned from his own works, he has subjected these to a more minute examination than they have ever yet undergone, and with really valuable and important results. Here and there we may think an inference overstrained or inconclusive, but in general we accept his views as those of a guide at once sensible and candid, and unbiassed by preconceived theory.

The first three chapters, entitled respectively *Ancestry and Kindred*; *The Spread Eagle, Bread-street, old London*; and *Early Education, St. Paul's School*, tell the poet's story from his birth, December 8, 1608, to the day on which he was entered a pensioner of Christ's College, Cambridge, February 12, 1625; the facts of contemporary English history, domestic and foreign, being summarily recounted by the way. The fourth chapter, consisting of nearly two hundred pages, recounts the history of the University of Cambridge from the time when Milton entered as a freshman till he took his M.A. degree in 1632, and ceased thenceforward to reside. The materials for this chapter are derived from Milton's *Prolusiones Academicæ*, from the Registers of the University and College, Dewes' *Journal*, Fuller's *Worthies*, Cooper's *Annals*, Meade's *Letters*, and a multitude of other sources, chiefly MSS. in the British Museum. All former biographies of Milton have dealt very cursorily with his Cambridge life. The present writer has judged it worthy of minute attention, and he has judged rightly. During these seven years, from the age of sixteen to twenty-three, all men's lives are moulded to their after shape for good or for evil. They were spent by Milton in ardent and uninterrupted study. He continued through life an eminently *scholastic* man. Even after he left Cambridge we find him reading and commenting on *Euripides* and *Aratus*, and translating psalms from the Hebrew. Hence he was able to meet the great scholar Salmasius on equal terms, and thus he stored his memory with that ponderous learning which adorned, and perhaps fettered, his muse in *Paradise Lost*. Chapter V. gives us a survey of ecclesiastical affairs for a few years previous to 1632, and shows how the measures of Laud probably induced Milton to abandon his intention of taking orders. Chapter VI. reviews the condition of British literature, devoting, however, much larger space to the poets than the prose writers. With either Milton had very little connexion. In all his works the most minute industry of commentators can hardly detect a trace of imitation of any contemporary writer, though there are of course many casual coincidences of expression. Homer, Plato and Euripides, Cicero, Ovid, and Lucan, Chaucer, Spenser, and Shakespeare are always present with him, moulding his phrase and suggesting his thought; but from his contemporaries he kept aloof. The poets of his time were for the most part Royalist—he was Puritan. His politics and his temperament contributed to this isolation. From early years he seems to have been independent and self-sufficient, sustained by a sense of his own great powers, and convinced that he was the foremost man of letters of his time.

The seventh chapter resumes the thread of the poet's life from 1632 to 1638. The elder Milton, now retired from business, had taken a house at Horton, near Colnbrook, Bucks. There is, by the way, a psalm-tune sung to this day in our country churches, called Colnbrook, and composed by Milton, senior, probably during the time of his residence here. The son lived in his father's house, and during these years wrote, among other works, *L'Allegro* and *Il Penseroso*, the *Arcades*, *Comus*, and *Lycidas*. These, with the *Ode on the Nativity*, written at Cambridge, would alone have sufficed to place him in the first rank of English poets. The eighth and last chapter tells the story of his Italian tour in the years 1638 and 1639, bringing to an end the first and happiest portion of his life. The next volume is to contain his polemical and political life during the civil wars and the Commonwealth; and the third his later poetical life, when, blind and fallen on evil days, he amused his leisure with the composition of *Paradise Lost*.

Having thus given an account of the materials and plan of the work, we must now proceed to speak of the manner of its execution. Of the merits of the antiquarian part, as we have already said, we are not entitled to pronounce a judgment. But it is evident that the author has spared no pains in his researches—a fact the more creditable to him as we infer from certain remarks that it has not always been a labour of love. He seems to have little sympathy with the men or things of the seventeenth century. He speaks with contempt and scorn of men whose biographies he is at the trouble to investigate minutely; and the productions long forgotten which he disinters and dissects, he characterizes as "rubbish" and "trash"—thus in some measure stultifying his own antiquarian zeal. Even of well-known historical names he speaks in the same tone of irreverent disrespect. He interrupts his narrative of public affairs to apostrophize the King or the Archbishop, "Yes, Charles," "No, Laud," and the like—a trick of manner caught from Mr. Carlyle. It may be that the author has employed these and other colloquial idioms deliberately in order to give liveliness to his narrative and his commentary. If so, we think he has made a mistake, and that he would do well to trust to the interest of the subject, and not risk offending the reader's taste, in the endeavour to attract his attention.

In the depreciatory tone of which we have complained we may perhaps trace the tendency, natural in a biographer, to exalt his

hero at the expense of all those with whom he came into comparison or collision—a tendency which we find most marked in the imitators of Mr. Carlyle. Take, for example, the following passage, in which Mr. Masson is commenting on Milton's quarrel with the University of Cambridge—a quarrel, by the way, mainly owing to political and ecclesiastical differences, and having little reference to the system of education pursued there:—

Most University men do look back with affection to their Alma Mater: and it is becoming that they should. The place where a man has been educated, where he has formed his first friendships, where he has first learned to think or imagine that he did so, where he has first opened his lips in harangue, and exchanged with other bold youths his darling crudities on the universal problems—one does not ordinarily like to hear of a man in whom the memory of such a place survives otherwise than in pleasant associations. What matters it that the system was wrong, that half the teachers were dotards who used to be ridiculed and mimicked to their faces, or that some were a great deal worse? One must be educated under *some* system; one must struggle up to the light through some pyramid of superincumbent conventions more or less disintegrable according as one works vertically or horizontally to get out, &c. &c.

This and similar passages seem to us calculated to give needless offence. The sentence about "the dotards and worse" is, by Mr. Masson's own showing, inapplicable to Christ's College in Milton's time. Milton himself speaks of "those courteous and learned men, the Fellows of that College wherein I spent some years," and that at a time when he was attacking the University as one of the head-quarters of Prelacy and Royalism. We object, also, to that facile social philosophy which consists in denouncing all existing institutions and systems as shams and unrealities. This is a blind following of Carlyle. Such doctrine may pass for once as the monomania of a great genius, and such language may be accepted as the natural utterance of all who assume the office of a prophet; but both the doctrine and the language are intolerable in those who are not, and do not pretend to be, gifted above their fellows.

As a critic, Mr. Masson's forte seems to be rather in detecting personal peculiarities than in illustrating general characteristics. As an historian he excels in individualizing, not in grouping—in other words, he is more of a biographer than either historian or critic. Thus he gives us a vivid picture of Ben Jonson in the Apollo Room at the Devil Tavern; but when he passes from persons to things, from poets to schools of poetry, we sometimes hesitate to accept, and sometimes fail to understand, his generalizations. Take, for instance, the following:—

There may in a certain sense be *kinds* of poetry, but Spenser's poetry is as nearly poetry in its essence as any poetry that ever was; and if even now a verse-writer, in whom there should be found nothing generically Spenserian, would probably be discovered to owe the absence of the quality to his not being a poet at all, much more so, shortly after Spenser's own time, was it likely that true poets should seem as if dipped in his spirit. Whenever, indeed, a new non-dramatic poet should arise, equalling Spenser in general faculty and possessing the essential poetic gift in equal degree, but with new structural associations, then Spenser's avatar in the history of our poetry would be over, and as his had succeeded that of Chaucer, so another would succeed his!

We may ask, what right have we to ignore Shakespeare, even when speaking of "non-dramatic" poetry? And, dealing with poetry in general, what right have we to exclude the drama? Did not Milton possess the "essential poetic gift," and assuredly with "new structural associations"? When the school of Dryden and of Pope reigned supreme, was not the "avatar" of Spenser "over" for the time being? By the way, this word "avatar" is a favourite one with our author. He speaks of the "avatar of Donne as an intermediate power between Spenser and Milton;" and here too, somewhat inconsistently, he seems to make Milton co-ordinate with Spenser.

In our author's translations from Milton's Latin, we should have preferred an English style more archaic and Miltonic—as Mr. Spedding, for instance, has translated Bacon's Latin into Baconian English. But these translations of Mr. Masson's have a graver fault than that of mere style. They frequently fail to represent the sense of the original. Let us take, for instance, the first elegy—that addressed to Charles Diodati—of which Mr. Masson has given a complete English translation. The four lines—

Multum, crede, juvat terras aluisse remotas
Pectus amans nostri tamque fidele caput,
Quodque mihi lepidum tellus longinqua sodalem
Debet, at unde brevi reddere jussa velit—

are thus rendered:—"Much, believe me, it delights me that foreign lands have nurtured a heart so loving of ours and a head so faithfully mine, and that a distant part of the country now owes me my sprightly companion, whence, however, it means soon, on being summoned, to send him back." Mr. Masson has here mistaken "*nostri*," the genitive of "*nos*," for that of "*noster*;" he has translated the potential mood "*velit*" as if it were indicative; and he has misunderstood the meaning of "*caput*."

Again:—

Jam nec arundiferum mihi cura revisere Camum,
Nec dudum vetiti me laris angit amor.

Mr. Masson's version is:—"At present it is not my care to revisit the reedy Cam, nor does the love of my forbidden rooms yet cause me grief." But "*Dudum*" does not signify "yet," and Milton would never have used the word "*lar*" of his college rooms. The true rendering of this passage is of some importance for the elucidation of a point in Milton's biography. It clearly means—"The love of home, long denied to me, does not torment me." That is to say, at college he was home-sick, at home he was con-

tented. Thus, when properly interpreted, this line gives no countenance to the hypothesis that the poet had been "rusticated."

Seu meret Pelopeia domus seu nobilis Ili—

is rendered—"Or the house of Pelops or that of noble Ilium is in grief." Did Mr. Masson never hear of *Ilius*?

Collaque bis vivi Pelopis que brachia vincant.

Here Mr. Masson—not knowing, it seems, the story of Pelops, which would have suggested the appropriateness of the epithet *bis vivus*—takes "*bis*" with "*vincant*" and translates:—"Necks twice whiter than the arms of living Pelops."

And finally—

Et vos, Iliacæ Romulæque nurus—

becomes in his version—"Ye young matrons of Troy and ye nurses of Rome." All the errors we have noticed occur in the same piece, and the other translations in the volume are almost equally faulty. Considering that a large proportion of Milton's works are written in Latin, and that all his English works are filled with imitations of, and allusions to, the writers of antiquity, a want of acquaintance with the classical languages is a serious defect in one who aspires to be a critic and biographer of Milton. Mr. Masson would have performed this part of his task better had he been subjected to that scholastic training which he so much despises, and if he had "struggled, whether horizontally or vertically," through that "pyramid of conventions" which has for its base the *As in Presenti* and the Latin Dictionary.

Apocryph of the *Prologues Academicæ*, to which Mr. Masson has given quite a new importance by his elaborate commentary, we wish to mention, with all deference, a conjecture of our own as to a passage in No. 7, part of which, being in English and in verse, is already familiar to the public. It is that in which *ENS* is represented as Father of the Predicaments, and after *ENS* has spoken in behalf of the mute *SUBSTANCE*, "the next *QUANTITY* and *QUALITY* spake in prose, then *RELATION* was called by his name:—

Rivers, arise, whether thou be the son
Of utmost Tweed, or Ouse, or gulfy Don, &c.

Mr. Masson adds the following comment:—

To these lines Warton appends this note:—"It is hard to say in what sense or in what manner this introduction of the rivers was to be applied to the subject." Probably something is omitted which would have shown the appropriateness of the lines as an address to, or a speech of *RELATION*."

May not the true explanation of the riddle be that the part of *RELATION* was performed by a youth of the name of *Rivers*? Observe the singular number in the invocation: "Rivers, arise, whether thou be the son," &c. Such a jest would be quite in accordance with the speech, the occasion, and the taste of the time. Is the name of *Rivers*, we wonder, to be found among the students of Christ's College at that time? If it be so, the only wonder is that so simple an explanation should have been overlooked so long.

We have quoted some passages in which we disagree with Mr. Masson. It is only fair to say that we might have quoted many which seem to us admirable both in thought and expression. How true, for instance, this, is the following, not of George Wither only, to whom it is specially applied, but also of many later celebrities!

He was a lay-preacher of the very notions which formed the political creed of the middle-class English Puritans; he gave back to the citizens of London in easy metre and rhyme, and with his name attached, the platitudes they were in the habit of expressing in their houses and shops.

This, again, is well and quaintly said:—

Far away, meanwhile, on the banks of the Thames, sits Laud as ignorant of Scotland as of Kamschatka, but trying to govern it ecclesiastically through the sixpenny post.

And here, to conclude with, are two good stories of the jolly Corbet, Bishop, first of Oxford, then of Norwich:—

Riding once in a coach in a very dirty lane in wet weather with a Dr. Stubbins, who was "one of his cronies, and a jolly fat doctor," he had a breakdown, the results of which he described by saying that, on recovering his senses, he found Stubbins up to the elbows in mud, and himself up to the elbows in Stubbins.

His chaplain, Dr. Lushington, was a very learned, ingenious man, and they loved one another. The Bishop would sometimes take the key of the wine-cellar, and he and his chaplain would sometimes lock themselves in and be merry; then first he lays down his hood, "there lies the Doctor;" then he puts off his gown, "there lies the Bishop!" then 'twas, "here's to thee, Corbet;" "here's to thee, Lushington."

As it has been our duty, in performing the ungracious task of criticism, to dwell chiefly on the defects of the book, we beg to repeat that it has merits which counterbalance all defects, and which will, in our opinion, ensure it a permanent place among the standard works treating of English literary history. We have only to add that we wish the author health and strength for the completion of his arduous undertaking.

MILITARY ORGANIZATION.*

IT is a very significant circumstance, that until the publication of Mr. Fonblanque's work the military literature of England did not contain any recognised treatise on Army Organization. The truth is, that the English army has never been permanently

* *Treatise on the Administration and Organization of the British Army, with special reference to Finance and Supply.* By Edward Barrington de Fonblanque, Assistant Commissary-General. London: Longmans, 1858.

organized in any proper sense. The requisite machinery for keeping the elements of an army in cohesion, and securing the united action of the entire force, has been improvised at the commencement of each successive war, and cast aside as soon as the immediate necessity was past. The Duke of Wellington commenced his campaigns in the Peninsula with an untrained Commissariat, and without any regularly organized transport. In 1808, he complained that the existence of the army was dependent on people who were incapable of managing anything out of a counting-house; but, like almost all other successful generals, he had a genius for administration, which in the course of a few years converted his once incompetent set of clerks into a most effective Commissariat. But it was part of "the system" which bears the blame for everything to throw away in peace the experience gained in war, and no sooner were hostilities over than the almost perfect instrument which had been got into such admirable working order was once more pulled to pieces. A nucleus of the service remained, indeed, in Ireland and the Colonies, and supplied, in 1847, the machinery by which more than 3,000,000 of a starving population were supplied with daily rations in the neighbourhood of their own homes. But even this relic of the old Commissariat was doomed by the Committee of 1850, who reported that there was no necessity whatever for creating a Commissariat department in Great Britain, and recommended the suppression of the Irish establishment. The economical theories of the Committee were founded on the assumption that "no training in time of peace will fit a Commissary for his duties in the field during war;" but it may be said with equal truth that nothing but actual service will make a first-rate soldier, and if the construction of the civil departments is to be postponed till the commencement of hostilities, it would be equally reasonable to defer enlisting recruits until the moment when their services were actually needed. It did not need much sagacity in the Committee to discover that military training in peace is at best imperfect; but it argued considerable blindness not to see that a half-trained department was considerably better than the mob of Government clerks and Custom-house officers with which the ranks of the Commissariat were filled up on the breaking out of the last war.

One reason, perhaps, why the civil organization of the English army has been so systematically neglected as it notoriously has been, is that the difficulty of the duties which fall to the lot of the Commissariat and other analogous departments has never been properly appreciated, except, indeed, when the pressure of actual war has exposed us to the consequences of neglect during peace. At first sight, people are apt to jump to the conclusion that, with unlimited funds at command, it would be as easy to provide for the wants of an army of 50,000 men as to cater for a family or a regiment. Why should it be so much more difficult to go into the market and buy 50,000 dinners than to perform the same office for a hundred or a thousand mouths? Markets unquestionably are to be found within reach of any spot on the face of the earth where an army could be planted, and every Commissariat theory pre-supposes an adequate military chest. There are nearly 3,000,000 people in London to be supplied with all their daily wants. There is no administrative machinery at work to take care that just the right number of oxen and sheep shall be slaughtered, the proper quantity of bread baked, or to regulate the due supply of perishable vegetables which are to be brought every day into Covent-garden Market. Yet there is never too much or too little. No one who has the means to buy is disappointed of his meal; and scarcely an appreciable percentage of all the food that finds its way to the London market is wasted or spoiled. In looking at the result of this *laissez faire* system, which works so perfectly, one is apt to lose sight of the vast amount of human machinery which is really called into action. If any particular article is scarce, a slight rise in price enters into the calculations of thousands of housewives, and produces a corresponding economy. Unconsciously, every member of the community, while thinking only of his own wants and his own means, is helping to adjust the varying demand of the day to the minutest fluctuations of supply. Were London to be converted into a standing camp, all these duties, so easily and unconsciously performed by its inhabitants, would be thrown upon a comparatively small Commissariat staff, and the metropolis would probably be reduced to starvation one day, and surfeited on the next by an accumulation of food beyond its powers of consumption. Let the army be placed in a strange and probably hostile country, with no certainty as to its movements from week to week, and the difficulty of providing for it must be immeasurably increased. But this is the duty which the Commissariat is expected to perform with unflinching punctuality, and while it remains without regular organization, it is not surprising that it should sometimes break down as lamentably as it did in the Crimea.

Not only is the Commissariat one of the most difficult, but it is the most important branch of army administration. All strategy resolves itself into the art of placing a superior force face to face with an inferior enemy. With tolerably equal resources, this can only be done by rapidity and certainty of movement, and for these the General must be dependent on his Commissariat. Even when the transport duties are provided for by an independent corps, the means of locomotion are necessarily limited by the efficiency of the Commissariat; for soldiers can neither be placed in a camp without food, nor can they march or fight at their best unless health and strength are

sustained by suitable nourishment. Old campaigners tell us that a man can stand any amount of exposure and fatigue if he is only well fed; and when it is remembered that disease and exhaustion kill ten soldiers for one that falls in battle, it is scarcely an exaggeration to say that a good Commissariat will do more to secure victory in a campaign than strength, courage, and numbers combined.

When Mr. Fonblanque undertook the work which he has lately completed, he had to describe the system of an army in which these very obvious truths—which we have repeated at the risk of saying what everybody knows—had from time immemorial been consistently ignored; and though some reform was in progress while he was busy on his task, the formation of a reliable Commissariat and an effective medical service has not even yet been completed. The War Department, however, modestly requested Mr. Fonblanque to eliminate from his pages every word which implied censure of the organization of the British army. Had the required concession been made, the army would have been put in possession of an official handbook from which no warning was to be gathered, instead of an unofficial treatise that is full of suggestion. Happily, the author declined the honour of General Peel's *imprimatur* on such remarkable conditions, and we are spared the task of reviewing a book which would have been somewhat analogous to a history of England with all the bad Kings and troublesome subjects omitted, and with no allusion even to the little anomalies which critical eyes still detect in the Law or the Constitution. Although Mr. Fonblanque does not hesitate to justify his maxims by reference to defects which have made themselves too patent to be passed over, he shows a tenderness in commenting on the causes of recent disasters which ought to have satisfied the susceptibilities of the War Office. In his chapter on Transport Duties, his allusions to the wretched failures of the Crimea, though sufficient to give force to his recommendations, are free from any approach to individual imputation. But we suppose that, in order to satisfy the optimists of the War Office, the author should have mentioned that the great success which attended the transport system in its first unorganized shape led to the formation of the Land Transport Corps, and that it was in consequence of the perfection to which this body attained that it in its turn was disbanded and replaced by the more soldierly, but perhaps not more efficient corps—the Military Train. What Mr. Fonblanque does say on this subject is very different, but is not the less worthy of consideration by the authorities. To supply the wants of an army two things are necessary—one to provide the requisite subsistence, and the other to carry it to the place where the forces are stationed. If these duties are thrown upon the same department there is some chance of their being both performed, and, at any rate, in case of failure, it will not be the fault of nobody. But if a Commissary is to provide, and the Commander of a Military Train to carry, the success of their joint action will depend entirely on their perfect co-operation. As a rule, two independent departments without a common superior to direct them do not co-operate without some difficulty, however well disposed to work together. But there is a still greater obstacle in the relations of the Commissariat and the Transport service. From the nature of the service, transport must wait upon supply—the carrier must be in attendance to receive the goods. The movements of the Military Train would be perforce regulated by the purchases made by the Commissariat, the place and time of their delivery, the capacity of depôts, and a number of other matters peculiarly belonging to the Commissary's business. In short, the Transport Corps must be subordinate to the Commissariat if it is to be of any use in supplying the army. The present arrangement is to organize a strictly military corps for the subordinate function, and to commit the superior duties to civilians—a plan the result of which could scarcely fail to be a break-down in the field, as fatal as that which destroyed the army before Sebastopol. Three schemes have in fact been tried. First, we had a Commissariat without any organized nucleus for a wagon train, and dependent entirely on local resources without the means of drilling them into effective service. That failed, and the next experiment was an independent semi-military Transport Corps, which was certainly better than none at all, but which was never placed fairly at the disposal of the Commissariat. The third system is the Military Train—more thoroughly military in its organization than the Land Transport Corps, and admirably suited for every purpose, except for the assistance of what ranks as an inferior department. There remains one other plan which has not been tried, and that is to place under the orders of the department which is responsible for the supply of the army the organized means of transport without which its duties cannot be performed. When we say that this seemingly obvious method has not been tried, we must be understood as speaking only of our own army; for in France the Train des Equipages is placed in what may be termed its logical subordination to the department for which it has to work. Mr. Fonblanque, though he admits that a Commissariat train can never be more than a nucleus, round which the local means of transport may be organized, very emphatically insists on the importance of furnishing the Commissariat with such assistance, and in the following remarks points out the mischiefs of the present system:—

It is obviously impossible to hold a Commissary-General responsible for the supplies of an army while the means of conveying these supplies are dependent upon another, and to him irresponsible, department. The least want of concerted action between a Commissariat and a Transport officer

would necessarily lead to a failure of supplies, and each would be able to excuse himself by imputing the blame to the other. Unfortunately, experience does not justify the expectation of a complete unity between any two distinct services of our army when brought to act together, and the difficulty in this case is increased by the circumstance of the officers of the Train holding substantive military rank, and being thus the less likely to submit to the authority of a civil department.

This is a fair specimen of the plain unpedantic common sense which Mr. Fonblanque has brought to bear upon his subject, and the result has been a treatise, not only systematic and clear, but full from beginning to end of useful practical suggestions.

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